

# **EXHIBIT 129**

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

Case No.: 20-CV-02189-WMW-JFD

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Patrick Berry, et al.,

Plaintiffs,

vs.

Hennepin County, et al.,

Defendants.  
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DEPOSITION OF  
COMMANDER GRANT SNYDER  
Taken on APRIL 26, 2023  
Commencing at 9:00 A.M.

REPORTED BY: Mari Skalicky, RMR, CRR

1 DEPOSITION of COMMANDER GRANT SNYDER,  
2 taken on APRIL 26, 2023 commencing at  
3 9:00 A.M. at 2000 IDS Center, Minneapolis,  
4 Minnesota, before Mari Skalicky, a Certified  
5 Realtime Reporter, and Notary Public of and  
6 for the State of Minnesota.

7 \*\*\*\*\*

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9 NOTE: The original transcript will be filed  
10 with the ACLU Minnesota, pursuant to the  
11 applicable Rules of Civil Procedure.  
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## I N D E X

WITNESS: COMMANDER GRANT SNYDER

PAGE

## EXHIBITS INTRODUCED:

PAGE

Exhibit 388	Minneapolis Police Department Special Order, Use of Force	56
Exhibit 389	Email exchange	67
Exhibit 390	Email exchange	78
Exhibit 391	Email exchange	153
Exhibit 392	Email exchange	173
Exhibit 393	Email exchange	192
Exhibit 394	Email from Grant Snyder to Felicia Chesmer dated 11/17/20	217
Exhibit 395	Encampment Demobilization Strategy	217
Exhibit 396	Email exchange	266

## EXHIBITS PREVIOUSLY MARKED AND REFERRED TO:

PAGE

Exhibit 156	Sweeps Chronology	107
Exhibit 157	Encampment closure process	87
Exhibit 187	Email exchange	205
Exhibit 188	Email exchange	206

1	Exhibit 228	Minneapolis Police	46
2		Department Policy and	
3	Exhibit 23	Event Action Plan,	155
4		Demobilization of Powderhorn	
5		Park - East Encampment,	
6		7/20/20	
7	Exhibit 271	Email from Grant Snyder to	140
8		Medaria Arradondo and others	
9		dated 6/15/20 with	
10		attachments	
11	Exhibit 272	Event Action Plan, 7/29/20	143
12	Exhibit 273	Event Action Plan, Unnamed	140
13		Hotel/Midtown Exchange,	
14		6/15/20	
15	Exhibit 284	Email exchange	131
16	Exhibit 286	Email exchange	123
17	Exhibit 53	Event Action Plan,	172
18		Encampment Demobilization,	
19		8/14/20	
20	Exhibit 55	Event Action Plan,	173
21		Demobilization of Peavey	
22		Park Encampment, 9/24/20	
23	Exhibit 69	Operational Guidance	94
24		Encampment Response on	
25		City-owned Properties	
	Exhibit 78	Email exchange	149
	Exhibit 83	Email exchange	163

(Original exhibits attached to original transcript; copies to counsel as requested.)

1  
2  
3  
4  
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7  
8  
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## P R O C E E D I N G S

Whereupon, the deposition of  
COMMANDER GRANT SNYDER was commenced at  
9:00 A.M. as follows:

COMMANDER GRANT SNYDER,  
after having been first duly sworn,  
deposes and says under oath as follows:

- - -

## EXAMINATION

BY MS. STILLMAN:

Q. Good morning, Commander Snyder. We met  
earlier. My name is Rebecca Stillman, and  
I'm one of the attorneys for the  
plaintiffs in this matter.

Could you please state and spell your  
name for me.

A. Grant, G-r-a-n-t; Snyder, S-n-y-d-e-r.

Q. And you understand that you are here for  
your individual deposition today?

A. I do.

Q. Have you ever had your deposition taken  
before?

A. Yes.

Q. How many times?

A. I don't know. Probably a dozen or more.

1 Not according to this topic, but over  
2 time, yeah, in other cases.

3 Q. Were those as part of your role as an  
4 officer for the Minneapolis Police  
5 Department?

6 A. Yes.

7 Q. Have you testified in a deposition for  
8 anything other than something related to  
9 your role as a Minneapolis Police  
10 Department officer?

11 A. Yes.

12 Q. What was the context of those depositions?

13 A. Back when I was 18 years old, I was the  
14 manager of a roller-skating rink, and  
15 someone fell and got hurt. And there was  
16 a civil suit against the company, and I  
17 had to give a deposition for that.

18 Q. Any others?

19 A. Not that I recall.

20 Q. When was the last time you gave a  
21 deposition?

22 A. Probably '8 or '9.

23 Q. So it's been a while?

24 A. Yeah.

25 Q. So you've heard this many times before,

1           then, but I'm just going to go through a  
2           few basic instructions.

3                   Do you understand that your answers  
4           today are under oath as if given in a  
5           court of law?

6   A.   Yep.

7   Q.   Do you understand that under certain  
8           circumstances your testimony could be  
9           shown to a jury?

10  A.   Yep.

11  Q.   You need to give audible responses today,  
12           rather than shaking your head, so the  
13           court reporter can write down what you  
14           say.

15                   Do you understand that?

16  A.   Yes.

17  Q.   If you don't understand a question, just  
18           ask and I can restate it. If you answer,  
19           I will assume that you understood the  
20           question.

21                   Do you understand that?

22  A.   I do.

23  Q.   If you need a break at any time, please  
24           let me know. I just ask that if there is  
25           a question pending, that you answer the

1 question before taking a break.

2 Do you understand?

3 A. I do.

4 Q. Your attorneys or some of the other  
5 attorneys in the room may object during my  
6 questioning. If so, you can let them  
7 object and then you may answer the  
8 question.

9 Do you understand that?

10 A. Yes.

11 Q. And that's unless your attorney tells you  
12 not to answer the question.

13 A. Okay.

14 Q. Is there -- so I understand that you are  
15 currently on medical leave. I'm not  
16 asking for your diagnosis, but is there  
17 any reason that your condition, diagnosis  
18 that's requiring you to be on medical  
19 leave could affect your ability to give  
20 complete and truthful answers to my  
21 questions today?

22 A. Not that I know of.

23 Q. Is there anything about the condition for  
24 which you're on medical leave that could  
25 affect your ability to give complete and



1 truthful answers in the future?

2 A. Not that I know of.

3 Q. Are there any other reasons you wouldn't  
4 be able to give complete and truthful  
5 answers to my questions today?

6 A. Only limited by my recollection.

7 Q. And I'll apologize. These are standard  
8 questions.

9 But have you taken any medications  
10 that would make you unable to respond to  
11 questions?

12 A. I have in the past, but not today.

13 Q. For clarity of today's deposition, I'm  
14 just going to go through a few  
15 deposition -- or definitions that I'm  
16 going to be using today.

17 When I say "encampment," I mean a  
18 group of two or more tents where homeless  
19 people live. And when I say "sweep," I'm  
20 referring to the clearing, demobilization  
21 or disbandment of an encampment.

22 A. Can I respond to any of these as we're  
23 talking, or do you just want me to listen  
24 right now?

25 Q. Do you have a question right now?

1 A. I do.

2 Q. What is your question?

3 A. So that definition of "encampment" is  
4 inconsistent with my experience, which I  
5 assume is more than yours dealing with  
6 encampments.

7 So when I respond, if I'm to respond  
8 when you use that definition, it will be  
9 complicated for me to -- you know, I may  
10 not agree with your definition that two or  
11 more tents or two tents makes an  
12 encampment. And I think that complicates  
13 my testimony.

14 Q. How do you define "encampment"?

15 A. I would define an encampment by a larger  
16 quantity of tents, and I wouldn't put a  
17 number to it.

18 But when you talk about two or more  
19 tents, do you have a physical boundary  
20 over what period of space? Are you  
21 talking about like a half an acre? Are  
22 you talking about like a, you know,  
23 50-by-50 square?

24 These are all things that we would  
25 have to deal with. But I'm not sure. I'm

1 not trying to badger you; I'm just trying  
2 to make sure that I'm answering your  
3 questions as accurately as I can, and not  
4 misleading with my testimony.

5 Does that make sense?

6 Q. That makes sense, yes.

7 So no, in my definition, I do not  
8 have a specific area. No. I'm just  
9 saying when I use the word "encampment,"  
10 that's what I mean.

11 If you don't understand it in that  
12 context or you need me to rephrase it, you  
13 may do so. If you need to clarify your  
14 answer, you may do that as well.

15 A. Okay. And then the other question I would  
16 have, when you refer to "sweeps," so to me  
17 that term is -- is pejorative and  
18 problematic, and it feels disrespectful to  
19 refer to what I did and what other people  
20 may have done with the City to refer to  
21 that as a "sweep" because of all the  
22 baggage that goes along with that.

23 I would prefer a different term.  
24 Obviously you're going to do what you  
25 want, but I just wanted that on the

1 record.

2 Q. And I will be using the word "sweep"  
3 today, and for purposes of this  
4 deposition, when I say "sweep," I do mean  
5 the clearing, demobilization or  
6 disbandment of an encampment.

7 How did you prepare for today's  
8 deposition?

9 A. I met with our counsel with the City on I  
10 think two or three different occasions,  
11 two by Zoom or phone, and one in person  
12 today.

13 Q. Did you meet with both Ms. Enslin and  
14 Ms. Sarff?

15 A. Yes.

16 Q. Any other counsel for the City?

17 A. No.

18 Q. How long did you meet with them on each of  
19 those three occasions?

20 A. Well, today was probably less than a half  
21 hour. The phone call that I had with  
22 Sharda was maybe 20 minutes. And then  
23 there was a Zoom call that maybe lasted an  
24 hour or less.

25 Q. Have you communicated with counsel for the

1 MPRB regarding this deposition?

2 A. No.

3 Q. Have you communicated with counsel for the  
4 County regarding this deposition?

5 A. No.

6 Q. Did you discuss today's deposition with  
7 any of your staff?

8 A. No.

9 Q. Have you discussed today's deposition with  
10 anyone other than your attorneys?

11 A. My wife.

12 Q. What did you discuss with your wife about  
13 today's deposition?

14 A. Where it was going to be. How long it was  
15 going to take. Who was going to take the  
16 dogs to day care. Who was going to pick  
17 up our child and take her to the doctor  
18 this afternoon. How she was going to get  
19 me my wallet, because I left it behind.

20 Do you want me to continue down this  
21 road or --

22 Q. That's fine.

23 What is the name of your wife?

24 A. Melanie.

25 Q. Does she have the same last name as you?

1 A. She does.

2 Q. Did you review any documents when  
3 preparing for today's deposition?

4 A. I did not.

5 Q. Did you review any transcripts when  
6 preparing for today's deposition?

7 A. I did not.

8 Q. Any summaries of transcripts?

9 A. I did not.

10 Q. Any excerpts of transcripts?

11 A. No.

12 Q. Did you review any timelines or factual  
13 summaries in preparation for today's  
14 deposition?

15 A. No. I reviewed no -- nothing at all.

16 Q. Have you reviewed the complaint that was  
17 filed in October of 2020 for this matter?

18 A. Can you be more specific? Where was the  
19 complaint filed? What complaint are you  
20 referring to?

21 Q. The lawsuit -- the complaint that was  
22 filed in this lawsuit.

23 A. No, I've never seen it.

24 Q. Have you reviewed the City's answer to the  
25 complaint?

1 A. I have not.

2 Q. Did you review the amended complaint that  
3 was filed in December of 2020 in this  
4 lawsuit?

5 A. I did not.

6 Q. Did you review the City's answer to that  
7 complaint?

8 A. Not to the best of my knowledge.

9 Q. Have you reviewed the motion to amend the  
10 complaint that was filed in January of  
11 2023 in this matter?

12 A. No.

13 Q. Do you know what this lawsuit is about?

14 A. I do.

15 Q. What is your understanding of what this  
16 lawsuit is about?

17 A. About the displacement of people that are  
18 camping outside.

19 Q. Anything else?

20 A. I mean, in a specific sense I think there  
21 is an issue of property, and retention or  
22 destruction of property; notice prior to  
23 demobilization.

24 That's I think the extent of my  
25 general knowledge about the nature of the

1 complaint.

2 Q. When did you find out that this lawsuit  
3 had been filed?

4 A. I don't recall specifically. I know that  
5 at some point after it had been filed,  
6 that someone told me. Whether it was  
7 Sharda or whether it was someone else with  
8 the mayor's office, I don't recall how I  
9 was notified or when, but I remember being  
10 notified.

11 Q. Do you think you've known about this  
12 lawsuit for over a year?

13 A. Yes.

14 Q. Do you think you've known about this  
15 lawsuit for over two years?

16 A. I don't know. I don't remember when it  
17 was filed, so --

18 Q. Have you discussed this lawsuit with  
19 anyone?

20 A. Other than the people that I just told  
21 you.

22 I mean, I think at the time that it  
23 was filed, I probably had general  
24 conversations with people about it.

25 I think there was a conversation I



1 had with Peter Ebnet of the mayor's  
2 office. We talk frequently.

3 I think that in some of the steering  
4 committee meetings that I was in, that  
5 there was a discussion about practice, and  
6 the lawsuit, and discussions about how  
7 demobilizations should be done or would be  
8 done.

9 I think Sharda and I had --

10 MS. ENSLIN: I'm just going to say  
11 just to the extent that we talked about  
12 conversations that you and I had in an  
13 attorney-client capacity, I'm just going  
14 to instruct you not to divulge those  
15 communications.

16 But to the extent you can answer  
17 without talking about attorney-client  
18 communications that we had, go ahead.

19 A. Gotcha. Okay.

20 I think I probably had a conversation  
21 with some people on our staff about it at  
22 some point. I don't remember any  
23 specifics or when or with whom other than  
24 the people that I've already named.

25 BY MS. STILLMAN:

1 Q. And just so you're aware, the instructions  
2 Ms. Enslin just gave apply for the  
3 entirety of today's deposition. I don't  
4 want to hear about any confidential  
5 attorney-client communications that you've  
6 had with city counsel.

7 Did you investigate any of the  
8 allegations in the complaint?

9 A. Not that I'm aware of.

10 Q. Where are you from?

11 A. Where am I from originally?

12 Q. Yes.

13 A. The Twin Cities.

14 Q. Have you lived in the Twin Cities your  
15 whole life?

16 A. Except for the period of time that I was  
17 in the military, yes.

18 Q. When were you in the military?

19 A. Back in the late '80s and early '90s. I  
20 lived in New Jersey; I lived in Sierra  
21 Vista, Arizona; and I lived in Monterey,  
22 California.

23 Q. What division of the military were you in?

24 A. The Army.

25 Q. And what was your rank?

1 A. When I got out, I was a sergeant.

2 Q. What is your highest level of education?

3 A. Master's.

4 Q. What is your master's degree in?

5 A. Theological studies.

6 Q. When did you get your master's degree?

7 A. 2018 maybe.

8 Q. Where did you get that degree?

9 A. Northwestern.

10 Q. Northwestern University in Chicago?

11 A. Here.

12 Q. I'm assuming you have an undergraduate  
13 degree then.

14 A. I do.

15 Q. What is your undergrad degree in?

16 A. It's a Bachelor of Individualized Studies  
17 with an emphasis on human sexuality and  
18 sociology.

19 Q. I have never heard of that degree before.  
20 What is --

21 A. It's called a BIS.

22 Q. Okay. Could you explain -- "individual  
23 studies" did you say?

24 A. Individualized studies. It's a  
25 mechanism -- whether they do it now still,

1 I don't know. But it was offered through  
2 the College of Liberal Arts at the  
3 University of Minnesota for people that  
4 wanted to focus on a more individualized  
5 course of study. And you would  
6 essentially identify the courses that you  
7 would take, write a thesis of this is, you  
8 know, why I want to involve -- why I'm  
9 interested in this.

10 My big interest was around the sort  
11 of historical -- the issue of sex work is  
12 what I was most concerned about, and the  
13 iniquity of it through history. And so I  
14 had a focus on sociology, human sexuality  
15 and psychology.

16 Q. And what year did you get your bachelor's  
17 degree?

18 A. '93 maybe.

19 Q. And that was through the University of  
20 Minnesota?

21 A. (Nods head up and down.)

22 Yes.

23 Q. Have you received any other certificates  
24 related to education?

25 A. Yeah. I mean, I've received a variety of

1 professional certifications both in the  
2 military and in law enforcement; a number  
3 of peer-support certifications back when I  
4 was in college, having to do with sexual  
5 violence, child abuse, sexual harassment;  
6 and then peer mentoring, those sorts of  
7 things, courses too many to list, for the  
8 police department.

9 Q. If I say "MPD," can you agree that I'm  
10 referring to the Minneapolis Police  
11 Department?

12 A. Yes.

13 Q. When did you start working for MPD?

14 A. 1996. September 9, 1996.

15 Q. What was your first role?

16 A. I was a cadet.

17 Q. How long were you a cadet?

18 A. For the nine months of the academy.

19 Q. So did you graduate from the academy in --

20 A. May of 2000 -- or -- "of 2000." Of 1997.

21 Q. Is that a Minneapolis Police Department  
22 academy?

23 A. Yes.

24 Q. What was your role after you graduated  
25 from the academy?

1 A. I was a patrol officer, assigned to the  
2 field training officer program. I worked  
3 in the fourth precinct and the fifth  
4 precinct during that period of time, and  
5 then I was assigned to the dog watch shift  
6 at the fourth precinct.

7 Q. How long were you a patrol officer?

8 A. I was a patrol officer until 2007.

9 Q. And was patrol officer your rank when you  
10 moved to the dog watch shift in the fourth  
11 precinct?

12 A. Sorry. I'm trying to -- I'm thinking --  
13 I'm blanking on my timeline.

14 I can't remember exactly when I got  
15 promoted out of patrol officer.

16 Regardless of assignment, whether you're  
17 working the street or -- you can have  
18 different investigative assignments or  
19 training assignments. You're always --  
20 your rank is a patrol officer.

21 So when I say "patrol officer," it  
22 doesn't mean that I was a 911 responder  
23 during that whole period of time. But in  
24 2007, I believe -- and I could be wrong,  
25 but I think it was 2007 -- in March I was

1 promoted to sergeant.

2 And I apologize. I missed your last  
3 question.

4 Q. No, that's fine.

5 So before you were promoted to a  
6 sergeant, what were your duties?

7 A. So as a 911 responder, we were responsible  
8 to work for -- to answer 911 responses or  
9 911 calls, different details that would  
10 come up, beats, things like that. That's  
11 what we did.

12 Q. What do you mean by "beats"?

13 A. Well, like patrol beats. Like if you were  
14 assigned to a specific area.

15 Q. And that was in the fourth and fifth  
16 precinct?

17 A. It was in the -- well, field training was  
18 in the fourth and fifth precinct. My work  
19 as a, you know, person no longer on FTO as  
20 a patrol officer was in the fourth  
21 precinct.

22 Q. And you talked about a dog watch --

23 A. Dog watch.

24 Q. -- dog watch shift in the fourth precinct.

25 A. Yep.

1 Q. What is that?

2 A. So day watch goes from 6:30 now -- the  
3 hours are from 6:30 to 4:30. Midtown  
4 watch goes from 4:30 to 2:30. Dog watch  
5 goes from 8:30 to 6:30.

6 Q. 8:30 p.m.

7 A. p.m. to 6:30 a.m.

8 Q. What were the hours when you worked the  
9 dog watch shift?

10 A. I think it was like 9:00 to 7:00, or  
11 something like that.

12 Q. Similar?

13 A. Similar, yeah.

14 Q. And how long did you work the dog watch  
15 shift in the fourth precinct?

16 A. I worked dog watch until January of 2000.

17 Q. And what was your role after that?

18 A. Then I went to the CRT team, the community  
19 response team, which was the street crimes  
20 unit.

21 Q. What were your duties on the CRT team?

22 A. Livability issues, and case investigation  
23 having to do with that. Basically gangs,  
24 guns, drugs was the kind of work we did,  
25 along with prostitution, reported issues,



1           that sort of thing.

2       Q.   How long were you with CRT?

3       A.   CRT was disbanded temporarily in 2005.

4           And from there I went to the STOP unit,  
5           which stood for the strategic operations  
6           unit. And it was our SWAT team.

7           And I stayed there until sometime in  
8           2006, and then I came back to the crack  
9           team in the fourth precinct. They didn't  
10          have CRT team then, just a crack team.  
11          And I stayed there until 2007, in March,  
12          when I was promoted to sergeant, which was  
13          the date. So that clarifies it.

14       Q.   I apologize. Did you say "crack"?

15       A.   Crack, like crack cocaine. Crack team.

16           We were responsible for -- again, it  
17           was gangs, guns, drugs, but referred to  
18           doing a lot of work around crack cocaine.

19       Q.   And what were your duties when you were in  
20           STOP?

21       A.   I was the surveillance officer, which is  
22           super exciting. I was the guy that would  
23           hide in the back of a beat-up minivan on  
24           the corner of 31st and 6th, or  
25           Lowry/Lyndale or at Johnnie A's, or

1           whatever it was called back then, and get  
2           video evidence and surveillance evidence  
3           of people selling drugs, selling guns,  
4           doing all kinds of nefarious activity.

5       Q.   And what were your duties when you were on  
6           the crack team?

7       A.   Investigation of cases; response to,  
8           again, livability issues; cases involving  
9           gangs, guns and drugs.

10      Q.   When you say "livability issues," what do  
11           you mean?

12      A.   Well, I mean, again, it tends to be things  
13           like loitering. They tend to be related  
14           to gangs, guns, drugs.

15                   We would generally think of  
16           livability issues as things that impacted  
17           people's quality of life. Drug loitering,  
18           drug dealing. Prostitution to some  
19           extent, although that really wasn't a  
20           focus of mine at that point. And those  
21           sorts of things.

22      Q.   And you were promoted to sergeant in 2007,  
23           correct?

24      A.   I was.

25      Q.   And what were your roles when you were

1 promoted in 2007?

2 A. So I was promoted to sergeant and  
3 transferred to the assault unit, where I  
4 remained for 15 minutes before I was  
5 transferred to an undercover assignment at  
6 the FBI.

7 Q. How long were you at the undercover  
8 assignment at the FBI?

9 A. Until about August of 2011, or -- yes,  
10 August of 2011.

11 Q. So for approximately four years?

12 A. Yeah, just over four years.

13 Q. What did you do after you finished your  
14 undercover assignment with the FBI?

15 A. I went to the child abuse unit. And I --  
16 within the first six months, I was  
17 requested by Captain -- then Captain  
18 Huffman to take the experience that I had  
19 gained in the FBI and start working --  
20 start our own juvenile human trafficking  
21 program.

22 And so I worked juvenile trafficking  
23 from -- or human trafficking from probably  
24 February of 2012 until -- until April  
25 Fools' Day of 2018.

1 Q. And was your rank sergeant that entire  
2 time?

3 A. It was.

4 Q. And what did you do after working in the  
5 juvenile human trafficking unit?

6 A. I started the homeless liaison program,  
7 which was -- which I named the Homeless  
8 and Vulnerable Population Initiative.

9 Q. Just to save acronyms, would you be okay  
10 with me referring to the Homeless and  
11 Vulnerable Population Initiative as "the  
12 initiative"?

13 A. Sure.

14 Q. Was the initiative operated out of a  
15 specific precinct?

16 A. No.

17 Q. Was it a centralized program?

18 A. It was citywide, yes.

19 Q. When you started the initiative in 2018,  
20 were there any other officers?

21 A. No. Just me.

22 Q. Any other members that weren't sworn  
23 officers?

24 A. Not formally assigned to that initiative,  
25 but I interacted with a ton of people

1 across the whole range of disciplines.

2 Q. Why did you start the initiative?

3 A. Because we needed, and the City still  
4 needs, a very committed liaison to work  
5 between the police department and our  
6 citizens that are experiencing  
7 homelessness and our vulnerable  
8 populations.

9 Q. Why do you think that's needed?

10 A. Because they have such specific needs, and  
11 tend to not effectively access systems of  
12 justice the way that people that live in a  
13 home and have a job or, you know, have a  
14 more predictable day-to-day lifestyle.

15 You know, the law enforcement and  
16 investigations are not equipped well to  
17 maximize our police service to people that  
18 don't have an address or don't have a  
19 phone, or don't have a predictable  
20 schedule, or where an investigator could  
21 find them and follow up or different  
22 things like that.

23 Q. You mentioned that the homeless and  
24 vulnerable persons population has specific  
25 needs. Can you give me some examples of

1           those specific needs.

2       A.   Yeah.   I mean, I think that there was --  
3           one of the specific needs was a need of  
4           relationship with somebody and an ability  
5           to build trust with somebody inside the  
6           police department that would be available  
7           to respond to them in an appropriate and  
8           compassionate way, to be available to work  
9           within sort of the fabric and the way that  
10          their life was.

11                 And that -- oftentimes that meant,  
12           you know, frequent contact, couple of  
13           times a day, seeing them out on the  
14           streets, seeing them wherever their tent  
15           was, you know, checking in on them, that  
16           sort of thing.

17                 And I'm sorry, I forgot your  
18           question.

19       Q.   That's fine.

20       A.   You also asked me, and I should expand,  
21           why I started the initiative.

22       Q.   Yeah.

23       A.   I gave you one reason, but I didn't give  
24           the biggest reason I started it:   Because  
25           I feel a special passion for people that

1 are struggling, and I feel like that's  
2 where I needed to be.

3 And I felt like they needed to have  
4 someone that cared enough to show up and  
5 to be there consistently, and to be  
6 patient and take time to build a  
7 relationship and those sorts of things.

8 Did you want me to talk about the  
9 other things that we talked -- I can't  
10 remember what the word was that I used, or  
11 you used, but the other special  
12 circumstances or special needs that they  
13 have?

14 Q. If you have additional examples of  
15 specific needs.

16 A. Well, like mental health, for example, is  
17 a specific need, and requires someone who  
18 is mature, who is able to de-escalate, who  
19 is able to be patient, knowing that on one  
20 day you may get an entirely different  
21 person than you'll get on another day.

22 Chemical dependency, people were  
23 struggling with chemical dependency, and  
24 it was -- you know, I would see people who  
25 were shooting up and who were in the

1 process of getting high. An arrest isn't  
2 going to make their life any better, and  
3 it isn't going to help them with their  
4 chemical dependency issue.

5 So that's not a typical law  
6 enforcement response to seeing people that  
7 are in the process of shooting heroin.  
8 You know, most people would grab their  
9 handcuffs. But, you know, I made a  
10 commitment early on that that wasn't going  
11 to be my go-to.

12 So those are just a couple. There is  
13 a ton of other things. There is  
14 transportation needs. There is storage  
15 needs.

16 There is food needs, is a big one,  
17 food insecurity among homeless, and  
18 nutritional needs. And people wearing  
19 shower shoes in the middle of wintertime,  
20 and people with inappropriate clothing and  
21 all this other stuff.

22 So I mean, we could go on for hours  
23 on this.

24 Q. Do you have any specific training on  
25 working with the homeless population?



1 A. Just a ton of hours spent among them. And  
2 I would consider that training because the  
3 people of this city, the homeless  
4 population in this city, took me in, they  
5 took me under their wing, and they taught  
6 me what I needed to know.

7 I've attended a few -- you know, I've  
8 attended some bigger conferences, and most  
9 of that falls well short of the, you know,  
10 lived experience of working among that  
11 population.

12 Q. Do you have any training in mental health?

13 A. Only what I received through the  
14 department.

15 Q. And what sort of training did you receive  
16 through the department?

17 A. We would receive -- we would receive  
18 training in our annual in-services. There  
19 is other courses that I think I've  
20 attended over the course of the last 27  
21 years, and, you know, that sort of thing.

22 Q. Have you had training in de-escalation?

23 A. Yes.

24 Q. Who was that training through?

25 A. Again through the department.

1 Q. When was that?

2 A. I don't recall. I just know that it's  
3 come up a number of times.

4 Q. And you said that when you started the  
5 initiative, you were the only person  
6 working within the initiative.

7 At any point were officers, other  
8 sworn officers, added to the initiative?

9 A. Yep. We -- in fact, when I got promoted  
10 to lieutenant on September 1st of 2019, I  
11 added Dave O'Connor, then sergeant, to the  
12 initiative.

13 Q. And did now Commander O'Connor work with  
14 the initiative until he left MPD?

15 A. Yes.

16 Q. At any point did you add other officers to  
17 the initiative?

18 A. Well, Jason Wolf came in at some point  
19 during that year briefly to work with  
20 Sergeant O'Connor.

21 Q. Anyone else?

22 A. Not that I recall. I mean, again, you  
23 know, we considered -- even though they  
24 weren't formally assigned MPD personnel,  
25 we considered a broad range of partners

1           that would go out with us, would go out  
2           with Dave: Katie Miller, Autumn Dilly,  
3           you know, people from transit, people from  
4           Hennepin Health Care for the Homeless,  
5           people from a whole variety of different  
6           backgrounds and disciplines and  
7           organizations.

8       Q. Did you supervise Commander O'Connor and  
9           Jason Wolf while they worked for the  
10          initiative?

11      A. Yes.

12      Q. Currently are there any other officers  
13          working for the initiative?

14      A. So when I left on leave, Sergeant or  
15          Lieutenant Troy Carlson had been assigned  
16          to take over as lieutenant of that  
17          initiative.

18                At the time when I went on leave in  
19          early January, there was no one else  
20          assigned to it. And then sometime during  
21          that last period of time they assigned  
22          Sergeant John Hoglund. I don't know if  
23          he's still there because, again, I've been  
24          on leave when he was assigned. So --

25      Q. And what day exactly did you go on leave?

1 A. I think my leave started on the 10th of  
2 January.

3 Q. You're currently a director of a  
4 nonprofit, correct?

5 A. I'm the vice president.

6 Q. Vice president of a nonprofit?

7 And that nonprofit is Involve  
8 Minnesota?

9 A. Involve MN, yeah. Involve Minnesota,  
10 yeah.

11 Q. Is your wife the executive director of  
12 Involve MN?

13 A. Yes.

14 Q. When did you start Involve MN?

15 A. 2013 is when we kind of started doing it,  
16 but we weren't incorporated until 2018.

17 Q. What is the mission of Involve MN?

18 A. Well, as of like 3/2020 when COVID hit, it  
19 became food insecurity largely. There is  
20 a couple of other subsidiary missions,  
21 but --

22 Q. What are those subsidiary missions?

23 A. Well, like we do law enforcement support  
24 for people that are struggling with PTSD  
25 or family issues or serious illnesses,

1           that sort of thing.

2                   And then we also do -- we also have a  
3           variety of other -- our outreach teams  
4           will pass out water, or pass out clothing,  
5           pass out -- purchase shoes for people,  
6           boots in the wintertime, and that sort of  
7           thing.

8       Q.   Does Involve MN have any employees?

9       A.   Yes.

10      Q.   How many?

11      A.   24.

12      Q.   What was Involve MN's mission prior to  
13           March 2020?

14      A.   It was purely just support.  It really  
15           wasn't food insecurity, although I was  
16           always concerned about that, but it wasn't  
17           organized like that.

18                   It was really just a -- you know, we  
19           would do like streetside cooking, you  
20           know, and that sort of thing, more of a  
21           community building.  You know, people that  
22           sleep outside don't generally get a hot  
23           breakfast, so we would do that.  That was  
24           a blast.

25                   And, you know, we would again buy

1 shoes for people, or you know, if people  
2 had wanted to donate water or something  
3 like that, we would pass that out.

4 Q. Why did you start focusing on food  
5 insecurity at the start of COVID?

6 A. Because it was I think the 20th of March  
7 when pretty much over three days, every  
8 place that -- all the brick-and-mortar  
9 locations where people went to get food  
10 shuttered and there was -- nothing was  
11 open.

12 All the Loaves and Fishes were  
13 closed. They weren't distributing food in  
14 the way that they had been. And the House  
15 of Charity was closed, and different  
16 things like that.

17 And so, you know, we decided that at  
18 that point, that we would make bag  
19 lunches, and that's what we did.

20 Q. And would you distribute these bag lunches  
21 to encampment residents?

22 A. (Nods head up and down.)

23 Yes. I'm sorry. My bad.

24 Q. It's easy to forget.

25 A. It is.

1 Q. Why did you initially start Involve MN?

2 A. Initially I started it because I was  
3 dealing with -- well, I was seeing more  
4 and more people when I was doing -- in  
5 2013 when I was doing human trafficking  
6 work. I was running into a lot of people  
7 that -- women that had been homeless and  
8 their trafficking experience had been a  
9 result of their homelessness or had been  
10 sort of a comorbidity with their  
11 homelessness.

12 And I was shocked by the fact that --  
13 of all the horrible shit that happened to  
14 them -- I don't know. Maybe I'm not  
15 supposed to swear in here. I apologize.

16 MS. ENSLIN: That's okay.

17 A. -- of all the horrible things that  
18 happened to them, I was shocked by the  
19 fact that they looked at their trafficking  
20 exploitation as just one other thing; it  
21 wasn't even the worst thing that happened  
22 to them.

23 And that still brings tears to my  
24 eyes. How could -- what kind of a life is  
25 that where you have all these bad things

1 and this is just one other drop in the  
2 bucket of trauma, right? That's a hard  
3 thing for me. It was hard then, and it's  
4 still hard now for me to make sense of.

5 So I started Involve with the purpose  
6 of trying to figure out where we fit in,  
7 you know. And Involve was a conduit. I  
8 wanted it to be a way to sort of wrap our  
9 arms around people that needed support,  
10 but didn't maybe know how to ask for it.

11 And I met -- in 2013 I was at a gala  
12 in Washington, D.C. And I hated those  
13 things. It was this Shared Hope  
14 conference, which is a national human  
15 trafficking organization. And I skipped  
16 out on the gala because I don't want no  
17 part of that stuff.

18 So I went down and I was hanging  
19 around Chinatown, and I met this woman  
20 named Sheila. She was 59 years old, 58 or  
21 59 then, and she had been homeless for  
22 like 14 or 15 years.

23 And she took me around all these  
24 places, and introduced me to people, and  
25 talked about her life being homeless. And



1           that was my first real exposure.

2           And she, like many women, was  
3           homeless because of a domestic abuse  
4           background. That's how she first got into  
5           homelessness.

6           So it was like the just bright light  
7           sort of -- it didn't happen all at one  
8           time, but it sort of evolved out of this  
9           experience of relationship. That is where  
10          I understood the value of relationship  
11          with people, and sort of that connection  
12          and what that really meant, because, you  
13          know, we hung together for like five  
14          hours; you know what I mean?

15          So there is more than that, but  
16          that's probably enough for you.

17       BY MS. STILLMAN:

18       Q.   When you became an MPD officer, did you  
19           take an oath of service?

20       A.   Yes, I did.

21       Q.   Can you tell me generally what that oath  
22           of service says.

23       A.   Oh, boy. I mean, they've changed it over  
24           the years, and I don't remember what  
25           specifically we said. But it had to do

1 with, you know, the general themes of  
2 protect and serve, to integrity, service,  
3 protecting and defending the Constitution.

4 I think those are basically -- there  
5 probably was other pieces to it that I  
6 don't recall.

7 Q. Are you required as an MPD officer to  
8 follow the Minnesota law enforcement code  
9 of ethics?

10 A. Yes.

11 Q. Can you tell me generally what the  
12 Minnesota law enforcement code of ethics  
13 says.

14 A. I don't -- I haven't read it any time  
15 recently. I'm assuming I read it at one  
16 point. I just don't know. I wouldn't be  
17 able to tell you what's on it.

18 I mean, intuitively I can tell you  
19 that it probably has to do with honesty  
20 and integrity and, you know, those sorts  
21 of things, duty.

22 MS. STILLMAN: I'm going to go to an  
23 exhibit that has been previously marked as  
24 228.

25 (Discussion off the record.)

1 (Deposition Exhibit No. 228 was  
2 previously marked.)

3 BY MS. STILLMAN:

4 Q. So on the first page, two pages above  
5 where it says "Vision, Mission, Values and  
6 Goals" --

7 A. Two paragraphs above?

8 Q. Two paragraphs above that starts with:  
9 "The fundamental purpose..."

10 Do you see that?

11 A. I do.

12 Q. Do you agree that the fundamental purpose  
13 and role of the police in a free society  
14 is the protection of constitutional  
15 guarantees, maintenance of public order,  
16 crime prevention and suppression, and  
17 dutiful response to the needs of the  
18 community?

19 A. Yeah, I think so. I mean, I think that's  
20 a poor wording for -- when you say  
21 "fundamental role," you're really  
22 identifying one thing. You're saying that  
23 there is a single thing that's  
24 fundamental, this is the role, and then  
25 you list eight things that we do.

1           You know, I think you could -- it  
2           would be better to word that to say "among  
3           our fundamental duties include." That's  
4           how I would word it.

5       Q.   Okay. You can put that aside.

6           As an MPD officer, have you ever put  
7           on any trainings?

8       A.   Yes.

9       Q.   What trainings have you put on?

10      A.   Most of the trainings that I've done have  
11           to do with human trafficking.

12           I don't know that I've ever done a  
13           homeless training for our officers. We  
14           tried to get something put in, and at the  
15           time that I was in charge of that unit,  
16           there has not been. We just hadn't been  
17           able to get it on the in-service calendar.

18           But I've done a variety of trainings  
19           all across the country on  
20           human-trafficking-related investigation,  
21           and working with everything from  
22           surveillance and technical investigation,  
23           to interviewing, to working with  
24           challenging victims and trauma, you know,  
25           and that sort of thing.

1 Q. While you've been at MPD, have you had any  
2 training on the Fourth Amendment?

3 A. Yes.

4 Q. When was that?

5 A. I don't know. A variety of times  
6 throughout my 27 years here. I don't  
7 recall the last one.

8 Q. Do you recall if it was within -- the last  
9 one was in the last five years?

10 A. Probably.

11 Q. Do you remember who conducted your most  
12 recent training?

13 A. I don't.

14 Q. Do you remember the contents of your most  
15 recent training on the Fourth Amendment?

16 A. No, because, you know, over time I've been  
17 through that training so often that, you  
18 know, my eyes kind of glaze over when we  
19 start having the same discussion and --  
20 you know.

21 Q. Do you recall if any of the trainings  
22 you've attended on the Fourth Amendment  
23 have covered the search and seizure  
24 provision of the U.S. Constitution?

25 A. I mean, I think so. I don't remember

1 specific trainings, so I don't remember  
2 specific content.

3 I claim a general knowledge of the  
4 Fourth Amendment and how it applies to  
5 police work. And that's been supported by  
6 instruction that we've been given, but,  
7 again, I don't remember when. I don't  
8 remember specific topics, that sort of  
9 thing. I remember that topic of search  
10 and seizure coming up several times.

11 Q. What do you mean by "general knowledge"?

12 A. Well, I mean, I think that we as police  
13 officers deal -- everything we do involves  
14 intrusions in some way.

15 And so, you know, I feel a fairly --  
16 I feel well equipped to sort of navigate  
17 at this point, as a commander, and to help  
18 other officers navigate what that means to  
19 be -- to do constitutional policing, and  
20 in support of and in furtherance of the  
21 Fourth Amendment.

22 Q. I apologize. I don't believe I asked this  
23 earlier.

24 When were you promoted to commander?

25 A. In August of 2022, and it was the worst

1 decision I've ever made.

2 Q. Why is it the worst decision you've ever  
3 made?

4 A. Because the further you go up the ranks --  
5 number one, being a commander for this  
6 chief is not a good assignment.

7 And, also, the further you go up the  
8 ranks, the further you get away from why  
9 you became a police officer in the first  
10 place.

11 Q. What are your duties as commander?

12 A. That's a really good question. It depends  
13 on the day. And it depends on who is  
14 asking.

15 It can be everything, including  
16 things like, "Work on this project." And  
17 then you get into this project and, "Oh,  
18 work on this project."

19 You know, my current job was I was  
20 commander of the -- and they've changed  
21 this so many times, so I don't know what  
22 they would say now, or what's on the org  
23 chart now.

24 But when I was promoted by Interim  
25 Chief Huffman, it was commander of the

1 Community Outreach and Engagement Bureau.  
2 Okay? Then I was told later that doesn't  
3 exist. But that's what is on my business  
4 card, and that's what is on my payroll, so  
5 I'm not really sure what they call it  
6 today.

7 But my role was to manage or to  
8 command two divisions. One was the  
9 procedural justice division, and that  
10 included our Homeless and Vulnerable  
11 Populations Initiative. There -- and  
12 procedural justice units, which nobody was  
13 assigned to at the time. It also included  
14 recruitment and hiring.

15 And then Community Outreach and  
16 Engagement Bureau was primarily our CSO,  
17 our community service officer program.  
18 And I feel like -- oh, and then Explorers,  
19 our Explorer program.

20 So I had like eight different units  
21 that were in the two, and some of which  
22 were not staffed. Like community  
23 engagement was a unit that I commanded  
24 that had no one in it. That doesn't mean  
25 we didn't do community engagement, which



1 is why I was a commander of that unit. We  
2 did. But it was primarily CSOs that were  
3 doing it.

4 So --

5 Q. What is a "CSO"?

6 A. I'm sorry. Community service officer.

7 They're unsworn personnel with the police  
8 department that are in many cases, though  
9 not necessarily, that doesn't need to  
10 be -- are on a track, a career track, to  
11 become a sworn police officer.

12 Q. Since becoming commander, do you still do  
13 field work?

14 A. Only when I could. I mean, I loved it.

15 That's another reason why I regret  
16 taking the -- taking the promotion,  
17 because it took me away from the fourth  
18 precinct, where I was a shift lieutenant  
19 for day watch and the administrative  
20 lieutenant for the fourth precinct.

21 Q. When did you have that role?

22 A. I was promoted to lieutenant, as I've  
23 said, in September of 2019. And then I  
24 was in charge of the recruitment and  
25 hiring unit.

1 I was the lieutenant for that unit  
2 for -- until January 1st or 2nd of 2022 --  
3 wait, 2021, sorry -- when I went to the  
4 fourth precinct as the shift lieutenant  
5 for day watch.

6 Q. And were you simultaneously working with  
7 the initiative while you were acting as  
8 shift watch lieutenant at the fourth  
9 precinct?

10 A. No.

11 Q. When did you stop working with the  
12 initiative?

13 A. When I transferred.

14 I mean, when Dave O'Connor left,  
15 there really wasn't. But for any intents  
16 and purposes, there was an empty unit  
17 again, and there really was not a staffed  
18 unit.

19 I was -- as a lieutenant, you know,  
20 that role needs to be staffed with a  
21 full-time person. And even though I  
22 couldn't make connections for people and  
23 tried to, you know, help make sure -- like  
24 in inclement weather, making sure that  
25 officers had flyers and information, and

1 emails went out so that they knew how to  
2 help people get access to things that they  
3 needed, I wasn't doing the sort of street  
4 outreach through the police department  
5 that I had been doing before.

6 Q. But as far as you are aware, when you went  
7 on leave, there were now officers within  
8 the initiative?

9 A. Yeah. There was a lieutenant assigned to  
10 it.

11 Q. When did that lieutenant start?

12 A. I can't remember when Troy started. He  
13 got promoted to lieutenant; that was his  
14 first assignment. So it would have been  
15 probably in the fall maybe of 2022.

16 I guess I don't recall when he took  
17 his lieutenant's. Maybe later than that.  
18 He was only there for a short period of  
19 time before I went on leave.

20 Q. Since you started at MPD, have you had any  
21 training on the First Amendment?

22 A. Yes.

23 Q. How many trainings?

24 A. No idea. More than one.

25 Q. More than five?

1 A. That, I don't know. That sounds probably  
2 high.

3 I mean, it's a training -- so I've  
4 never sat through a multi-day class on the  
5 First Amendment. For us, training looks  
6 like an hour block during a two-day  
7 in-service training, or two-hour block or  
8 four-hour block.

9 Now, we also have patrol online  
10 trainings that we've done, and that would  
11 include First Amendment and Fourth  
12 Amendment stuff. We have received over --  
13 at times we've received updates from the  
14 city attorney's office that talked about  
15 things like First Amendment and Fourth  
16 Amendment and different things like that.  
17 So legal updates I think they call them.

18 So those to my -- when I talk about  
19 training, those are all the things that  
20 I'm including in that.

21 Q. Do you remember the context of any of the  
22 trainings you've had on the First  
23 Amendment?

24 MS. ENSLIN: Objection. Vague.

25 A. Some, but it's fairly nonspecific. Just,

1           you know, I don't know as much about the  
2           First Amendment as I do, obviously, about  
3           the Fourth Amendment, but, you know, I  
4           know basically what it is.

5       BY MS. STILLMAN:

6       Q.   And what's your understanding of basically  
7           what it is?

8       A.   Well, freedom of speech. You know, I  
9           don't what else is included in that, to be  
10          honest with you. I think -- is the right  
11          to gather a First Amendment protection? I  
12          don't recall.

13               MS. STILLMAN: I'm going to be  
14               marking a document that's been  
15               Bates-stamped MINNEAPOLIS\_BERRY129802 as  
16               Exhibit 388.

17               (Deposition Exhibit No. 388 was  
18               introduced.)

19       BY MS. STILLMAN:

20       Q.   And, Commander, if you just want to take a  
21           second to flip through that.

22       A.   Do you want me to flip through the 15  
23           pages here? Or what do you mean flip  
24           through it?

25       Q.   If you just want to review it.

1 A. The whole thing?

2 I mean, I acknowledge that this is a  
3 special order issued having to do with use  
4 of force. Do you need me to be more  
5 specific?

6 MS. ENSLIN: You can review the whole  
7 thing.

8 Unless you want to instruct him that  
9 you've got specific questions about a  
10 specific section.

11 Otherwise, take your time and review  
12 it.

13 BY MS. STILLMAN:

14 Q. Yeah. I have some specific questions  
15 regarding the definitions and --

16 A. If you ask me those specific sections, I  
17 could just review those rather than reread  
18 this whole thing.

19 Q. Yes, of course. If you ever need more  
20 time to review more of the document, just  
21 let me know.

22 A. All right.

23 Q. If you go to page 3 of 15, which ends in  
24 129804, it says "Use of Force" in bold  
25 letters.

1 Do you see that?

2 A. Yes.

3 Q. Could you just review that first paragraph  
4 and the bullet points in -- right after it  
5 says "Use of Force."

6 A. (Reviewing document.)

7 Okay.

8 Q. What is your understanding of what it  
9 means when this policy says:

10 "Intentionally placing someone in  
11 fear of such contact, or  
12 threatening such contact, also  
13 constitutes force"?

14 A. Exactly what it says. That, you know, by  
15 intention, if we, you know, do something  
16 that makes somebody afraid that we're  
17 going to use force on them, or threatening  
18 specifically what we're going to do.

19 Again, I think this is very poorly  
20 worded, but yeah, that's how I would  
21 interpret that.

22 Q. If you turn to page 7 of 15, which is page  
23 that ends in 129808.

24 Under paragraph C it says "Duty to  
25 Intervene."

1 A. Okay.

2 Q. And in paragraph 2, it reads:

3 "Regardless of tenure or rank,  
4 any sworn employee who observes  
5 another employee use any  
6 prohibited force or inappropriate  
7 or unreasonable force (including  
8 applying force when it is no  
9 longer required) must attempt to  
10 safely intervene by verbal and  
11 physical means, and if they do not  
12 do so shall be subject to  
13 discipline to the same severity as  
14 if they themselves engaged in the  
15 prohibited, inappropriate or  
16 unreasonable use of force."  
17 Do you see that?

18 A. I do.

19 Q. What is your understanding of the use of  
20 the word "employee" in this paragraph?

21 MS. ENSLIN: Objection. Calls for  
22 speculation.

23 A. Well, it says "sworn employee," so I think  
24 it's talking about a sworn officer.

25 BY MS. STILLMAN:



1 Q. Do you know if this duty to intervene was  
2 in any MPD code of conduct prior to this  
3 one?

4 A. It's relatively new, that duty to  
5 intervene. I don't I think that most of  
6 us have always conducted ourselves in a  
7 way that we felt obligated to do  
8 specifically what that policy says.

9 But I don't think it was codified the  
10 way that it is, and I don't know when it  
11 came about. I only remember that they put  
12 it into policy.

13 And then the, you know, language  
14 about the same severity of punishment is  
15 the most ridiculous thing I've ever heard,  
16 but that's -- you know.

17 So yes, I remember when this came  
18 out. I don't remember when it was, but I  
19 remember that it was codified at some  
20 point into written policy.

21 Q. Do you have a duty to intervene if you see  
22 law enforcement officers who are with  
23 agencies other than the MPD using  
24 prohibitive force?

25 MS. ENSLIN: Objection. Foundation.

1 A. I don't know that this policy is talking  
2 specifically about them, but as a police  
3 officer and as a human, as a human being,  
4 I would feel obligated to respond.

5 I wouldn't feel like I had the same  
6 benefit of the chief's order. Like I'm  
7 not necessarily -- unless it was a fairly  
8 severe thing where somebody was going to  
9 be hurt or something like that, I wouldn't  
10 feel like I had the right to tackle some,  
11 you know, officer from another  
12 organization.

13 But I would -- I would feel within --  
14 you know, I would feel that falls more in  
15 my humanitarian duty than I think on my  
16 law enforcement duty.

17 BY MS. STILLMAN:

18 Q. Have you ever observed an MPD officer  
19 using any prohibited force?

20 A. That's a really hard question for me to  
21 respond to because, you know, prohibited  
22 force, there is forces prohibited now that  
23 wasn't prohibited back when it was being  
24 used. Like the use of -- the LVNR is a  
25 prime example of that, the lateral

1       vascular neck restraint, that we can no  
2       longer do. I've seen people do that  
3       dozens of times.

4               Strikes, for example. All force that  
5       we employ looks bad, right? But as a  
6       person standing on the outside of that,  
7       it's very difficult to judge whether that  
8       force is inappropriate or not.

9               I've never seen an officer just walk  
10      up and slug somebody for no reason. I've  
11      never seen that.

12              So it's a really complicated and  
13      nuanced question. I don't know how to  
14      answer that. There are things that I've  
15      seen that later were determined to be a  
16      concern, but never that -- I couldn't  
17      judge at the time.

18              It's not like -- you know, I mean,  
19      most of the determination of whether force  
20      is appropriate or not is made well after  
21      the fact, with a whole variety of  
22      different -- the benefit of a long  
23      investigation. And you don't -- as an  
24      officer standing on the outside of  
25      something, you don't have the benefit of

1           that.

2       Q.   If you go to the next page, paragraph G,  
3           it says "De-escalation."

4       A.   Yep.

5       Q.   We talked a little bit about de-escalation  
6           earlier. But you're familiar with  
7           de-escalation tactics, correct?

8       A.   Yes. I'm not an instructor and I wouldn't  
9           consider myself an expert, but I think  
10          just by virtue of being a police officer  
11          for 27 years, you know, I've done plenty  
12          of it.

13      Q.   What are some examples of de-escalation  
14          techniques?

15      A.   Well, one of the first examples that I was  
16          taught was when people are loud and that  
17          it's a potential -- again, this is  
18          dependent upon the circumstances, but you  
19          walk into a domestic, and everybody is  
20          yelling, talk softly and -- because then  
21          they have to quiet down in order to hear  
22          what you're saying.

23               And just by virtue of you being calm  
24          and not throwing more loud argument into  
25          the already, you know, loud situation

1 helps to de-escalate.

2 That's one example.

3 Q. Can you give me any more other examples?

4 A. Well, another de-escalation is how we  
5 present ourselves. Part of the reason why  
6 I wore a polo versus an MPD uniform -- I  
7 mean, it was still an authorized MPD --  
8 what we call a "soft uniform" -- and  
9 khakis was because that in and of itself  
10 is a potential de-escalation. I look  
11 different. I don't --

12 Some people are concerned about the  
13 MPD uniform. It looks different. They  
14 immediately understood that I had a  
15 different role and that sort of thing.

16 Q. Would you say that avoiding large displays  
17 of force is part of a de-escalation  
18 technique?

19 A. Not necessarily.

20 Q. Why not?

21 A. Well, because sometimes having a large  
22 display of force de-escalates people's  
23 response.

24 I've never seen a situation where  
25 having a large amount of police officers

1           there increased people's -- escalated  
2           people to more violence. I think that it  
3           tends to have -- to do the opposite in my  
4           experience, because people are like, "Oh,  
5           there are some cops here. We're not going  
6           to get away with doing silly stuff."

7           That's how I would interpret it.

8       Q.   Why would you use de-escalation tactics in  
9           a situation?

10           MS. ENSLIN: Objection. Calls for  
11           speculation. Incomplete hypothetical.

12       A.   Yeah. I mean, I think you would use them  
13           when -- to avoid things. You know, it's  
14           hard without giving you examples.

15           Like I used to -- one of the things I  
16           prided myself on was talking people into  
17           handcuffs at domestics when I was a patrol  
18           officer, you know, without having to fight  
19           with them to get them into handcuffs, you  
20           know. To me, that was a -- that was the  
21           best of all possible worlds. Nobody got  
22           hurt. They were -- they were safe in  
23           handcuffs. The potential victim of the  
24           domestic assault was safe and that sort of  
25           thing.

1           So taking that I guess to the broader  
2           question of why you would use it, it's  
3           basically that sort of response to  
4           something that could potentially be  
5           volatile, and de-escalating it before it  
6           got to that point.

7       BY MS. STILLMAN:

8       Q.   Thank you.

9           Then you can put that document away.  
10          How does the City of Minneapolis  
11          monitor the number of encampments on city  
12          property?

13          MS. ENSLIN:   Objection.   Foundation.

14          Ms. MARTENSON:   Objection.   I want to  
15          make a standing objection to the term  
16          "encampment" as vague.

17       A.   So I don't know what they're doing now.

18          Back when we started, we were -- it  
19          was -- when I started the initiative back  
20          in April of 2018, it was very word of  
21          mouth, and it was -- I was really the only  
22          person that was monitoring it.   There was  
23          really no central collection.

24          We talked about and I actually worked  
25          with IT a little bit to try and develop a

1 tool that would allow us to use our  
2 smartphone to pin a location so we could  
3 sort of track where encampments went or  
4 where they were.

5 At some point we were -- we were  
6 making -- Dave O'Connor was making like an  
7 Excel list. It might have been a  
8 Smartsheet list. I can't recall which  
9 program he was using.

10 But that really was -- that lasted  
11 for a little while. It was more trouble  
12 than it was really worth. We weren't  
13 really getting anything out of that.

14 I don't know specifically what  
15 they're doing now. Somebody has some  
16 document, I think, or some list. I don't  
17 know that I've ever seen it. And I think  
18 that's being coordinated maybe through  
19 Health or CPED. I don't really know.

20 MS. STILLMAN: I am going to mark a  
21 document that's been Bates-stamped  
22 MINNEAPOLIS\_BERRY044326 as Exhibit 389.

23 (Deposition Exhibit No. 389 was  
24 introduced.)

25 A. Okay.



1 BY MS. STILLMAN:

2 Q. And if you turn to page 2, which ends in  
3 44327.

4 A. Okay.

5 Q. There is an email from Mark Benishek --

6 A. Yep.

7 Q. -- to Katie Topinka, David O'Connor, and  
8 then you're cc'ed on it.

9 Do you see that?

10 A. I do.

11 Q. And could you just take a second to review  
12 that email.

13 A. (Reviewing document.)

14 Okay.

15 Q. What is the Survey123 app?

16 A. I don't know.

17 I remember this now, that there was  
18 some discussed data sharing with Hennepin  
19 County, but I don't recall -- I think it  
20 was some app on the phone or that you  
21 could access through the phone. But I  
22 don't know that I ever logged into it.

23 I think Dave used it, but I don't  
24 know how regularly or how often.

25 Q. Did you ever use a phone app for tracking

1           encampment sites in the city of  
2           Minneapolis?

3       A.   Again, there was an early discussion with  
4           IT, and this may have been what came out  
5           of that. But I don't think we ever  
6           launched that.

7           They may have created it or  
8           something, but I think it was like a  
9           beta-testing thing that they were working  
10          on. And I don't think we ever -- I think  
11          this was what Dave was using, not the  
12          Minneapolis one.

13       Q.   When you say "Dave," are you referring to  
14           Commander O'Connor?

15       A.   Yes.

16       Q.   Do you know if the data that was collected  
17           for this app was ever shared with Hennepin  
18           County staff?

19       A.   Like Hennepin County staff beyond -- like  
20           what happened in Hennepin County? Or  
21           what?

22       Q.   So sure. Let's go to the first page.

23       A.   Yep.

24       Q.   There is an email from David O'Connor to  
25           Katie Topinka, Mark, and then you're

1 cc'ed.

2 A. (Nods head up and down.)

3 Q. And you're talking about -- and the email  
4 is about sharing data, and Commander  
5 O'Connor writes:

6 "I guess I would ask that access  
7 be limited to some sort of viewer  
8 mode, to a select group (Don Ryan,  
9 Danielle Werder, David Hewitt).  
10 Largely the information is fairly  
11 public in nature."

12 A. Yes.

13 Q. Do you know if this information that is  
14 being discussed in this email thread was  
15 ever shared with Mr. Ryan, Ms. Werder or  
16 Mr. Hewitt?

17 A. I don't. I know why there was discussion  
18 about sharing information, though.

19 Q. Why was there discussion about sharing  
20 information?

21 A. So that people -- for the purpose of  
22 knowing where people were camping, in  
23 coordination of resources, that sort of  
24 thing.

25 Q. Did you ever share that sort of

1 information with any Hennepin County  
2 employees in a method outside of this  
3 phone app that's being discussed?

4 MS. ENSLIN: Objection. Vague.

5 A. I have no recollection. Maybe. I don't  
6 know if we emailed. Maybe there were  
7 phone calls. There probably were.

8 I would talk to David Hewitt and  
9 Danielle and Don with some regularity back  
10 then. Dave did more than I did -- or  
11 Commander O'Connor did more than I did  
12 back at this time, but there probably were  
13 some circumstances where we discussed  
14 specific encampments, generally while it  
15 had to do with coordination with Health  
16 Care for the Homeless, or if it was done  
17 on the Greenway or that sort of thing; you  
18 know, how big is that getting, how busy is  
19 the Greenway or whatever. Those sorts of  
20 things.

21 BY MS. STILLMAN:

22 Q. And is the time that you were just  
23 referring to in 2020?

24 A. I mean, my relationship with David Hewitt  
25 and Danielle and Don goes back before

1           that, so I can't bookend when it started  
2           and when it ended. It spanned pretty much  
3           my time starting that initiative all the  
4           way up until today, even though I haven't  
5           talked to any of them.

6           I talked to Danielle Werder a few  
7           months ago or a month ago. Don Ryan I  
8           haven't spoken to, except on social media,  
9           for a year or more. And David Hewitt, I  
10          will occasionally see him at things.

11          But, yeah, it spans a long period of  
12          time.

13        Q. Did you go to encampments in Hennepin  
14          County in 2020?

15        A. Did I what?

16        Q. Did you ever go to encampments in Hennepin  
17          County in 2020?

18        A. Yes.

19        Q. Is it your understanding that many of the  
20          homeless people living in encampments in  
21          Hennepin County in 2020 had most of, if  
22          not all of their belongings with them at  
23          the encampments?

24                MS. ENSLIN: Objection. Foundation,  
25          calls for speculation.

1 A. Yeah, that's a --

2 MS. MARTENSON: Hold on. Sorry. I  
3 want to make a standing objection to the  
4 term "living" as vague.

5 A. Can you restate that? Is it my  
6 understanding what?

7 BY MS. STILLMAN:

8 Q. That many of the homeless people living in  
9 encampments in Hennepin County in 2020 had  
10 most of, if not all of their belongings  
11 with them at the encampment.

12 MS. ENSLIN: Same objection.

13 A. It's not my understanding that most or  
14 many. That's a problem -- problematic  
15 term. It's my understanding that many of  
16 them had belongings with them. But unless  
17 they specifically told me, "This is all my  
18 stuff," I would have no way of gauging --  
19 you know, I know some people had a large  
20 volume of things, but whether that was  
21 their stuff or things that they had  
22 accumulated while they were at the  
23 encampment, I don't know that.

24 I know of some circumstances where  
25 people had all their belongings, but those

1           were -- I knew that because of my  
2           relationship with the people, much of  
3           which was at the Wall, for example, where  
4           there was discussion about, you know, "How  
5           do we help you get this stuff into  
6           storage?" or, "What are you going to do  
7           with this?" or that sort of thing.

8                     That's about the best answer I can  
9           give you. I can't generally speak to  
10          whether many people had all their  
11          belongings or most of their belongings  
12          with them.

13       BY MS. STILLMAN:

14       Q.   When you referred to the "Wall" just now,  
15             were you talking about the Wall of  
16             Forgotten Natives that listed in 2018?

17       A.   20- -- yes. I started that encampment.  
18             I'm proud of it. That's why I'm saying it  
19             here for the record.

20       Q.   Why did you start that encampment?

21       A.   Because I moved Angie and her family to  
22             the Wall because they were parking -- they  
23             were on park property, and the parks  
24             department requested that they move, and  
25             they did.

1                   And they moved over to private  
2                   property, and it was down the block, and  
3                   so I said, "Why don't you go over on the  
4                   other side of the sound wall," and that's  
5                   what they did.

6       Q.   Outside of the Wall of Forgotten Natives,  
7            is it your understanding that some  
8            homeless people have some belongings -- at  
9            least some belongings with them in  
10           encampments where they live?

11       A.   Yes.

12                   MS. ENSLIN:   Objection.   Foundation.

13       A.   Yes.

14       BY MS. STILLMAN:

15       Q.   Why is that your understanding?

16       A.   Why do I know that, or why do I think  
17            that, or what?   I don't understand the  
18            question.

19       Q.   Why do you know that?

20       A.   Because I spent the better part of many  
21            years in encampments with people getting  
22            to know them, hearing their stories.   And  
23            anecdotally they shared, you know, their  
24            experiences, may have commented on, "This  
25            is my stuff," or, "This is some of my



1 stuff," or, "I've got stuff in storage,"  
2 or whatever.

3 MS. STILLMAN: I'm at a pretty good  
4 stopping point if we want to take a five-,  
5 ten-minute break.

6 MS. ENSLIN: Sure.

7 (Break taken.)

8 BY MS. STILLMAN:

9 Q. Commander Snyder, do you understand that  
10 you are still under oath right now?

11 A. I do.

12 Q. And that will be true after all of the  
13 breaks that we take today.

14 A. I do understand.

15 Q. When you started the initiative, did the  
16 MIPD have any policies in place regarding  
17 homeless encampments?

18 A. So you said the "MIPD." You mean MPD?

19 Q. I mean MPD. Thank you.

20 A. It's all right. I just wanted to clarify.

21 No. I mean, other than sort of the  
22 general policy and procedure about --  
23 about dealing with people, I don't think  
24 there was -- or conduct of our job, I  
25 don't believe there was -- the word

1 "homeless" was mentioned, or  
2 "homelessness" was mentioned.

3 I don't think there was any policy  
4 specific to the unhoused.

5 Q. When you started the initiative, did the  
6 City of Minneapolis have any policies in  
7 place regarding homeless encampments?

8 MS. ENSLIN: Objection. Foundation.

9 A. Not to my knowledge, other than ordinances  
10 regarding camping.

11 BY MS. STILLMAN:

12 Q. Has the MPD developed any policies  
13 regarding homeless encampments since 2018?

14 A. Not to my knowledge.

15 Q. Has the City developed any policies  
16 regarding homeless encampments since 2018?

17 A. Yes.

18 Q. Do you know when the first policy was  
19 developed?

20 A. I don't. I know that at some point -- and  
21 I can't tell you if it was before or after  
22 I went to the fourth precinct. So we're  
23 talking before or after January of 2021.  
24 I don't know.

25 But I know there was discussion about

1 a policy regarding encampments, and the  
2 direction we were going to go. I think  
3 that the mayor's office was sort of the  
4 spearhead on that, and I don't recall when  
5 that came out.

6 I know there was more discussion  
7 about it after I, as a commander, in  
8 August of last year, of 2022, stepped into  
9 that role where I was once again in charge  
10 of the initiative for that unit.

11 In those steering committee, sort of  
12 executive-level committee discussions,  
13 there was talk about a policy, and there  
14 was distribution of, "This will be our  
15 published policy, and what do you think  
16 about this, and what do you think about  
17 that?"

18 MS. STILLMAN: I am marking a  
19 document that's been Bates-stamped  
20 MINNEAPOLIS\_BERRY096999 as Exhibit 390.

21 (Deposition Exhibit No. 390 was  
22 introduced.)

23 A. Okay.

24 BY MS. STILLMAN:

25 Q. And on the top of page 1, there is an

1 email from you to Amelia Huffman dated  
2 April 15 of 2020.

3 Do you see that?

4 A. I do.

5 Q. Could you take a second to review that  
6 email.

7 A. Sure.

8 (Reviewing document.)

9 Q. I was just going to be asking questions on  
10 that first email on the first page.

11 A. Oh, okay.

12 Q. That's fine.

13 Was anything formal ever put out  
14 regarding the City's response to  
15 encampments under the weight of the  
16 governor's order?

17 MS. ENSLIN: Objection. Foundation.

18 A. Can you define what you would consider to  
19 be formal?

20 BY MS. STILLMAN:

21 Q. Well, I'm using your language from this  
22 email. So I guess what did you mean by  
23 "formal" in this email?

24 A. Position statement. This is what we're  
25 going to do. And to my knowledge, we

1 never received information on that.

2 But that doesn't mean that I didn't  
3 have a clear understanding of how we were  
4 going to respond to the governor's order.  
5 There was plenty of discussion around  
6 that.

7 So in absence of a formal policy in  
8 place, which I don't think we ever  
9 received, and I don't -- I don't recall.  
10 I mean, perhaps there is an email some  
11 place, but I don't recall ever receiving  
12 what I was referring to as a formal  
13 statement.

14 Q. Why did you think it was -- or why did you  
15 think a formal response should be put out?

16 A. Because I felt like everybody needed to be  
17 on the same page. It was a challenge to  
18 navigate different people's expectations;  
19 and when I say "different people," I mean  
20 people both within and without the police  
21 department.

22 But the most challenging expectations  
23 dealt with were the public and businesses.  
24 And, you know, I needed the ability to  
25 respond to them and say, "This is our

1 position."

2 In absence of that, I took the  
3 position that the governor's order means  
4 exactly what it says. And that was not  
5 just that we're not going to move  
6 encampments, but that there was also --  
7 and I think that was in -- after he  
8 received some feedback, there was another  
9 order that was issued, or he amended it,  
10 except in circumstances where there was a  
11 presenting public safety or health risk,  
12 or public health risk, or something to  
13 that effect. I don't recall exactly the  
14 wording. You know what I'm talking about,  
15 though.

16 Q. Yes.

17 So in this email you also write:

18 "I think I'm getting traction,  
19 but know the Mayor is not  
20 generally inclined."

21 Why wasn't the mayor generally  
22 inclined to put out something formal  
23 regarding your response to encampments  
24 under the weight of the governor's order?

25 A. I don't know that I can answer that. He

1 never told me.

2 There may have been discussion about  
3 why from his perspective, but I don't  
4 think he and I ever had a conversation.  
5 So I would be speculating about his  
6 reasons for that.

7 Q. So then what did you mean when you said:

8 "...but know the Mayor is not  
9 generally inclined"?

10 A. My understanding was that he isn't  
11 inclined to issue a formal -- "This is our  
12 formal position on it."

13 Q. Why was that your understanding?

14 A. Because that was the impression that I got  
15 from having the discussions, to the best  
16 of my knowledge.

17 I don't remember -- I don't remember  
18 writing this email. It's clearly from me,  
19 and I clearly wrote it, but I don't recall  
20 the context in which I wrote it now, other  
21 than the general one of trying to figure  
22 out how to navigate the governor's order.

23 Q. You can put that aside.

24 You mentioned that you had a clear  
25 understanding of what you were going to

1 do.

2 Do you remember that?

3 A. (Nods head up and down.)

4 You mean, a minute ago when I said  
5 that?

6 Q. Yes.

7 A. Yes.

8 Q. Why did you have a clear understanding of  
9 what you were going to do?

10 A. Because in the vacuum of direction,  
11 somebody had to make a decision. And I  
12 needed to respond to precincts, and  
13 inspectors, and other officers, and the  
14 chief's office, and citizens, and  
15 businesses, and folks that were in the  
16 encampments themselves, and partners from  
17 Avivo and St. Stephen's, and Health Care  
18 for the Homeless, all those others, what  
19 are we going to do, and how are we going  
20 to do it.

21 So that's basically what my  
22 understanding was.

23 Q. You also mentioned participating in  
24 discussions. Did you participate in  
25 discussions with other Minneapolis city



1 employees in which you talked about the  
2 governor's executive order as it related  
3 to homeless encampments?

4 A. I remember talking with some City Council  
5 members about it either at a committee  
6 thing or via email or something.

7 I remember having a couple of  
8 conversations like with Jeremiah Ellison  
9 and Kono. I remember having those  
10 conversations. They were the ones that  
11 were most affected, obviously.

12 I remember having a lot of discussion  
13 about the governor's order with David  
14 Hewitt, and probably Andrea Brennan. I  
15 remember some conversation -- I don't  
16 remember the content, but my recollection  
17 is that these are people that I spoke  
18 with.

19 Katie Topinka and Danielle Werder  
20 would be two other people that I spoke  
21 with. I remember having conversations  
22 with Arradondo about it.

23 Q. Do you remember what you discussed with  
24 David Hewitt regarding the governor's  
25 executive order?

1 A. Well, I mean, early on -- and, again, this  
2 is -- you're asking me to recall something  
3 from a number of years ago, so I don't --  
4 my recollection of that I'm going to tell  
5 you based upon what I believe the  
6 conversation was. Okay?

7 Q. Okay.

8 A. If you find a transcript of the  
9 conversation, it may not match up.

10 But my recollection was that early on  
11 when the governor issued the order, there  
12 was discussion about how this would impact  
13 the communities, right? How it would  
14 impact the city government and the county  
15 government.

16 There was discussion about giving the  
17 governor feedback to help sort of him more  
18 specifically understand that impact, and  
19 how he couldn't make -- and encourage him  
20 not to make that sort of order in a  
21 vacuum, which he did.

22 So I think those conversations -- and  
23 then after that, there was discussion  
24 about, you know, as a city, you know, what  
25 criteria were we going to be looking at;

1           how do we -- how do we assess public  
2           health, public safety as exemptions to  
3           that, and those sorts of things, just so  
4           that we understood.

5                     That's what I think those  
6           conversations were about.

7       Q.   You mentioned an encampment steering  
8           committee earlier. Can you tell me what  
9           the encampment steering committee is.

10      A.   So when I came -- when I got promoted to  
11           commander, I stepped into this role that  
12           Erick Fors was taking, and that was  
13           actually one of the things that the chief  
14           told me she wanted me to do was to sort of  
15           take the weight off of his shoulders,  
16           because he was sitting in this steering  
17           committee with other department heads,  
18           like Saray and Dave from sold waste, and  
19           other people that were, you know,  
20           throughout the enterprise.

21                     There was this group of people called  
22           the steering committee, and by virtue of  
23           getting promoted, I was now, you know, a  
24           part of it. So --

25      Q.   And that steering committee discussed

1           homeless encampments within the city of  
2           Minneapolis?

3       A.   Yes.

4       Q.   Did you ever attend encampment steering  
5           committees prior to your promotion?

6       A.   Did I what?

7       Q.   Did you ever attend any of the encampment  
8           steering committees prior to your  
9           promotion?

10      A.   I had started attending when I was told I  
11          was getting promoted.  So -- but it  
12          started in August, and I didn't even go to  
13          all of them before or after.

14      Q.   August of 2022?

15      A.   Yeah.

16                   MS. STILLMAN:  I'm going to go back  
17                   to the document that was previously marked  
18                   as Exhibit 157.

19                   And, Sharda, I have an extra copy for  
20                   you.

21                   (Deposition Exhibit No. 157 was  
22                   previously marked.)

23      BY MS. STILLMAN:

24      Q.   Does this document actually describe the  
25          City's closure process up until you went

1           on leave?

2                   MS. ENSLIN:   Objection.   Vague.

3   A.   I'm just going to read it.

4   BY MS. STILLMAN:

5   Q.   Yeah.   Absolutely.   Sorry.

6   A.   Don't be sorry.

7                   (Reviewing document.)

8                   I mean, I don't know where this  
9   document came from. I don't know that  
10   I've ever seen this before. I probably  
11   was emailed this and didn't read it.

12                  I think this is a guideline, but I  
13   don't think it's fair to say that it  
14   describes -- that this represents it.

15                  I think there are many aspects in  
16   here which are included in what the  
17   City -- how they approach that closure  
18   process, or how we approach the closure  
19   process, but I don't think it follows that  
20   this is a linear -- you know, the way that  
21   it's -- you would read this and think,  
22   "First this, then this, then this, then  
23   this," I don't think that that's  
24   necessarily true.

25                  I've never received an informational

1 letter distributed to key stakeholders, so  
2 I don't know what that looks like.

3 The "Site prioritized for closure" is  
4 a reasonable starting point, so that makes  
5 sense.

6 "Site posted with notice to vacate,"  
7 there is a whole variety of other things  
8 that happened between those two that I  
9 would have included in this.

10 "Site visit to determine closure  
11 needs completed," yeah, I don't know how  
12 formal that was.

13 So yes, with the caveat that I've  
14 just given you, I think it's an  
15 articulation of the things that occur.

16 Q. What are some of the things that you would  
17 have included between "site prioritized  
18 for closure" and "Site posted with notice  
19 to vacate"?

20 A. Well, there is -- there is all kinds of  
21 discussion about, you know, communication  
22 with people that who is going to post the  
23 site, who is most appropriate.

24 There were -- there would be  
25 privileged conversation that would occur

1           between those two things, discussion about  
2           how that is going to be posted. Is this a  
3           site that -- you know, who owns the  
4           property? I mean, we would technically  
5           already know that. But, you know, is this  
6           something that we're going to provide  
7           stuff to the owner if it's a private  
8           property, like at 28th and Bloom, or  
9           something like that, or, you know, that  
10          sort of stuff.

11                 So I think there is a whole variety  
12          of steps.

13       Q. Who was part of these discussions?

14       A. Part of what discussion?

15       Q. You said that there would be a discussion.

16       A. Again, some of those are privileged, and  
17          you don't want to hear about that, so I'm  
18          not going to answer that.

19                 But there are -- there were  
20          discussions with Dave Herberholz from  
21          solid waste, or if it's a CPED-owned  
22          property, you know, Elfric or other people  
23          from CPED; if it's a private property, you  
24          know, the people who ever owned that  
25          property, and stuff like that, "How long

1 before -- you know, when do we want to  
2 vacate this?" There was discussion about  
3 that.

4 This sort of gives the sense that,  
5 "Yep, we're going to close this site.  
6 We're going to post it tomorrow." That's  
7 typically not how it occurred, in my  
8 recollection.

9 Q. When did you first become part of those  
10 discussions?

11 A. When I got -- that month prior to me being  
12 promoted to commander, again, post me  
13 going to -- when I came back to being in  
14 charge of this unit, the homelessness  
15 unit, it looked -- it was nothing -- the  
16 whole process was nothing like when I was  
17 there before.

18 So there is that gap of essentially a  
19 year and three-quarters almost when I  
20 wasn't there, and there was all of these  
21 other things that -- so that's when I  
22 stepped back in.

23 I'm not talking now about what  
24 happened prior to that. I'm talking about  
25 when I returned to it.



1 Q. What were the changes that had been made  
2 between when you stepped out of the  
3 initiative to when you stepped back into  
4 the initiative?

5 A. So when I stepped out of the initiative,  
6 it was still the sense that MPD was taking  
7 the lead on a lot of this stuff that was  
8 being done.

9 We were the ones that were doing the  
10 primary outreach. We didn't have  
11 navigators at that point that were working  
12 for CPED and for Health. We would be the  
13 ones that would provide that information  
14 if there were -- we would communicate with  
15 our partners.

16 There was -- so that was the way that  
17 it was done. MPD had more of a central  
18 leadership role in that, and for a whole  
19 variety of reasons, when I left, that was  
20 taken away.

21 And then so when I came back, we  
22 had -- it was more of a citywide  
23 enterprise, or an enterprisewide  
24 initiative, where there were  
25 representatives from all these different

1 departments that were involved in it. It  
2 was -- it was more organized. There was  
3 more discussion I think between more  
4 people, because the workload was more  
5 diffuse and more people were involved in  
6 the process.

7 There was -- it was slower. I think  
8 that that process of going from assessment  
9 to prioritization to demobilizing was a  
10 slower process at that point.

11 I think those are the main  
12 differences that I noticed.

13 Q. I apologize. Can you remind me again of  
14 when you -- approximately when you stepped  
15 out of the initiative.

16 A. In January 1st or 2nd -- I can't remember  
17 which -- of 2022. Sorry, 2021.

18 So Dave O'Connor left sometime in the  
19 fall I think of 2020, and so that unit was  
20 pretty much -- there wasn't much going on  
21 in the unit because it was unstaffed with  
22 an outreach sergeant during that period of  
23 a few months, and then I left.

24 My role was as lieutenant of the  
25 hiring -- recruitment and hiring unit.

1 MS. STILLMAN: I'm going to go to the  
2 document that's previously been marked as  
3 Exhibit 69.

4 (Deposition Exhibit No. 69 was  
5 introduced.)

6 A. Thank you.

7 BY MS. STILLMAN:

8 Q. Just so you're aware, I'm only going to be  
9 asking you about -- specifically questions  
10 about things that appear on pages 6 and  
11 7 --

12 A. Okay.

13 Q. -- of the document.

14 Do you recognize this document?

15 A. Yeah.

16 Q. What is it?

17 A. It's an operational guidance from the City  
18 to I think it approximates -- approximates  
19 our Minneapolis position on how we  
20 approach encampments.

21 Q. Did you review this document before it was  
22 published?

23 A. Not in its entirety.

24 Q. Did you review any portions of it prior to  
25 it being published?

1 A. Likely I did. I don't recall when. I  
2 think this was floated around for a while,  
3 and I think some of it was emailed, and I  
4 think there were some discussions about  
5 some sections, but I didn't read the  
6 entire document.

7 Q. Did you ever provide feedback on the  
8 sections that you did read?

9 A. Probably.

10 Q. I'm going to be going to page 6, and then  
11 towards the bottom, a bolded section  
12 called "Posting of Notice and Exceptions."

13 Do you see that?

14 A. I do.

15 Q. This is the City's policy about how much  
16 notice should be given to encampment  
17 residents before a sweep, correct?

18 MS. MARTENSON: Objection. I want to  
19 make a standing objection to two terms:  
20 "notice," as vague and calling for a legal  
21 conclusion; and "resident" as vague.

22 A. Say your question again, please?

23 BY MS. STILLMAN:

24 Q. Sure.

25 This is the City's policy about how

1 much notice should be given to encampment  
2 residents before a sweep, correct?

3 A. Again, I don't know that "policy" is the  
4 right word for that because I don't  
5 know -- I think that this was sort of the  
6 agreed-upon standard that we would do.

7 And, in general I think that 72  
8 hours, except in certain circumstances,  
9 was the agreed-upon.

10 So yes, to the extent that it's not a  
11 one-and-done thing, that this was  
12 basically our position.

13 Q. How did -- how was 72 hours reached upon?  
14 I'll start over.

15 Who agreed that 72 hours should be  
16 the time frame for posting a notice?

17 MS. ENSLIN: Objection. Foundation.

18 A. When I came back to the unit, to the sort  
19 of role -- and when I refer to the "unit,"  
20 I'm talking about the homeless initiative.  
21 Okay?

22 When I came back to that in August, I  
23 stepped -- I got onto a train that was  
24 already moving, and many of these  
25 discussions and many of these positions

1 had already been determined. And the 72  
2 hours was determined before I came back.

3 I remember specifically having  
4 conversation that, "Say what you want, but  
5 in general giving people longer than 72  
6 hours is what we should aim for, that we  
7 want to try and give people as long of a  
8 period of time as we can."

9 In some -- what does that look like?  
10 I mean, the Wall, when we closed the Wall  
11 of Forgotten Natives, that took -- that  
12 was like a couple months' process of  
13 closing that, right? And so that's an  
14 example. We posted that 72 hours before,  
15 it would have been mayhem.

16 So in general, my personal  
17 recommendation was always give people a  
18 week if you can, because there is a whole  
19 variety of different things that happen.  
20 But 72 hours I inherited.

21 BY MS. STILLMAN:

22 Q. Why did the Wall take a couple months to  
23 close?

24 A. Well, because we had to build the -- I say  
25 "we." It wasn't me that did it,

1 obviously. But they had to build the  
2 navigation center -- that was sort of a  
3 negotiation -- and figuring out, you know,  
4 who was going to run it, and -- you know,  
5 before Simpson stepped up. And then that  
6 whole process was going to take so long.

7 And were you at the Wall? Do you  
8 remember the Wall?

9 Q. I remember the Wall.

10 A. Did you work there?

11 Q. No.

12 A. Okay. Do you remember when it was  
13 demobilized?

14 Q. Yes.

15 A. Do you remember all the throngs of people?

16 That was truly the only collaboration  
17 between government and community and all  
18 the partners that we've ever done; you  
19 know what I'm saying? And it was  
20 beautiful, and it was because everyone  
21 sort of stepped in to kind of work  
22 together to a common goal.

23 Q. Why did the navigation center have to be  
24 built?

25 MS. ENSLIN: Objection. Foundation.

1 THE WITNESS: Sorry. I don't know  
2 why my wife is calling. I'll answer your  
3 question, but can I step out and take  
4 this? Because this is very unusual,  
5 because she knows I'm in a deposition.

6 MS. STILLMAN: Yeah, absolutely.

7 THE WITNESS: Do you want to repeat  
8 your question, and then I'll answer it and  
9 I'll step out.

10 MS. STILLMAN: Sure. Mari, can you  
11 repeat my question.

12 (The record was read as follows:

13 "Q. Why did the navigation  
14 center have to be built?")

15 A. Because they wanted someplace for people  
16 to go, knowing that winter was coming, and  
17 that they didn't think they were going to  
18 be able to get everybody housed in that  
19 period of time.

20 MS. STILLMAN: Thank you. You can --

21 THE WITNESS: I'll be right back in.

22 (Break taken.)

23 BY MS. STILLMAN:

24 Q. So we were talking about the Wall, 2018  
25 Wall of Forgotten Natives.



1           Do you recall approximately how many  
2           residents there were at that encampment?

3       A.   I believe the final count of people that  
4           we took out of there was somewhere in the  
5           130 to 150 range. I know at its peak I  
6           want to say there was 210 to 220 tents,  
7           but that's my recollection.

8           I don't -- now, residents, you're  
9           referring to people that -- here's how I'm  
10          interpreting what you're saying.

11          A resident is a person that was  
12          actually overnighting at that encampment.  
13          There was a lot more people that would  
14          come and go and hang out there. Sometimes  
15          they would stay. But, you know, there  
16          were people -- I'm talking about the  
17          people that actually lived in that  
18          encampment.

19       Q.   Thank you for that clarification.

20          Do you remember how long that  
21          encampment was -- or how long that  
22          encampment existed?

23       A.   Yes. So July maybe 10th. I think 10th.  
24          10th sticks in my head.

25          It was sometime in mid-July is when I

1 moved Angel in there. And then a couple  
2 other tents popped up, and they were --  
3 they were women that were staying over  
4 there.

5 And so it was probably maybe the last  
6 week in July when that tent -- or that  
7 encampment really grew, because I think it  
8 was July 30th when Rondo and the mayor  
9 toured it and came down there because it  
10 had gotten so big and there was a story  
11 that popped up on it.

12 But that encampment started for -- as  
13 a place where women would go, you know,  
14 that were having trouble with safety, and  
15 I overnighted in that encampment in my  
16 squad car several times to -- while there  
17 was maybe like four or five tents.

18 And then that sort of -- this is  
19 another reason why I say I started it,  
20 because that then sort of brought other  
21 people in. "Oh, Sarge set up an  
22 encampment and everybody can go here."  
23 Then it started to grow and grow and grow.  
24 And yeah.

25 Q. Was there drug use at that encampment?

1 A. Yes.

2 Q. Was there sex trafficking at that  
3 encampment?

4 A. To my knowledge, yes. There were  
5 allegations.

6 Q. What was the month when the encampment  
7 finally closed?

8 A. December of that year.

9 Q. Do you remember if anybody used propane  
10 tanks as heaters?

11 A. Say that one more time.

12 Q. Sorry. That was a bad question.

13 A. I think I know what you're getting at, but  
14 I just want to make sure I answer the  
15 correct question.

16 Q. Did you ever see propane tanks being used  
17 at that encampment?

18 A. Yes. And I saw them blow up and start  
19 fires.

20 Q. Are you aware that when the City posts  
21 notices to vacate at encampments on city  
22 property, that those notices don't always  
23 include a specific date that the  
24 encampment --

25 A. Yes. I am aware of that.

1                   Sorry.

2       Q.   Not a problem.

3                   Do you know why that is?

4       A.   That was a development that occurred after  
5           the sort of explosion of hostile activism  
6           directed toward MPD and directed toward  
7           city employees.

8       Q.   And when did that explosion of hostile  
9           activism start?

10      A.   Right around the time of George Floyd,  
11           events of George Floyd.

12      Q.   How many sweeps has the City participated  
13           in over the last three years?

14                   MS. ENSLIN:  Objection.  Foundation.

15                   MS. MARTENSON:  Objection.  I want to  
16           make a standing objection to the term  
17           "sweep" as vague.

18      A.   Yeah, I can't answer how many  
19           demobilizations we've done.  I don't know.  
20           I can estimate, but that estimate may be  
21           on or off.

22                   And there is a large gap in there  
23           where I wasn't a participant in it, and so  
24           I don't know how many were done during  
25           that period of time.  If you want me to

1           talk about how many I was a part of, I can  
2           again estimate.

3       BY MS. STILLMAN:

4       Q.    Sure.

5                       How many -- what's your estimate of  
6           how many you were a part of in that period  
7           of time?

8       A.   Can I ask -- but I need another clarifying  
9           question, and that is whether these were  
10          ones that I as a sergeant or lieutenant  
11          with MPD initiated, planned and executed,  
12          or are these ones where I was aware that  
13          they were going on and I tried to provide  
14          consultation, guidance on best practices  
15          and those sorts of things, because those  
16          are different questions, and I don't know  
17          what you want.

18      Q.    Sure.

19                       Let's start with the first  
20          question -- your first one, that you  
21          orchestrated. Was that the word you used?

22      A.    Yes.

23                       So I don't consider me asking someone  
24          to move because of a complaint if they're  
25          on someone's private property as a

1 demobilization, and I did -- those were  
2 largely what I did, or in the days prior  
3 to September of 2019 when Dave started, of  
4 me going down in the Greenway, because I  
5 knew they were going to come through and  
6 clear it, and advising people, "Hey, we  
7 probably should find another place for you  
8 to go."

9 I don't consider that a  
10 demobilization, so I'm going to take all  
11 those off the table right now.

12 The big-scale demobilizations that we  
13 participated in were relatively few. And  
14 they would be things like the Wall, of  
15 course. That was -- that was the first  
16 one, I mean, the large-scale one.

17 And then after that, you have to go  
18 really pretty much all the way up to like  
19 Stevens was one that I was there for,  
20 Stevens, which is right -- that was an  
21 MNDot property. It was also on a  
22 privately owned -- part of it was on a  
23 privately owned lot.

24 And so -- but that wasn't really a  
25 demobilization in the sense --

1 demobilizations, what they became, that  
2 didn't look like that at all.

3 Then I know that Parks did the mall  
4 over by the far end of the Greenway, down  
5 by Hennepin County and Lagoon, and, you  
6 know, I was active in that encampment,  
7 providing people with support, and also  
8 encouraging them, "Hey, just so you know,  
9 you know, this is going to be closed. You  
10 may want to find someplace else to go."

11 Again, those are -- that's what I'm  
12 up against in trying to answer that.

13 So it's very, very few that the City  
14 of Minneapolis did ourselves. Maybe over  
15 the time -- both times that I was a part  
16 of this, maybe five or six. And that's a  
17 guesstimate.

18 How many others I was aware of, I  
19 mean, I was sort of in an advisory role  
20 with the parks department, and to a lesser  
21 extent with Hennepin County. I would give  
22 them my opinions, but they didn't answer  
23 to me. I didn't do it in terms of I  
24 didn't plan it or execute it.

25 You know, so that's more to your

1 second question there. And I probably  
2 have been aware of and peripherally  
3 involved with, in that advisory capacity,  
4 maybe another ten, you know. I think.

5 MS. STILLMAN: I am going to go to  
6 the document that's previously been marked  
7 as Exhibit 156.

8 (Deposition Exhibit No. 156 was  
9 previously marked.)

10 A. Do you want me to put this one away?

11 BY MS. STILLMAN:

12 Q. Yes. We're done with that one.

13 Can you go through this list and tell  
14 me which of these encampment closures you  
15 were at.

16 A. So Sabo Bridge is not the City or the  
17 county. That was transit.

18 17th and Cedar, transit. I don't  
19 recall if I was there for that one or not.  
20 I think that was a County one, but I'm not  
21 sure. I don't recall.

22 Stevens I've already said yes to.

23 Powderhorn I was at when Powderhorn  
24 was demobilized.

25 East 26th Street? I was not at that



1 one. I don't know who did that.

2 Powderhorn West, I was there.

3 Kenwood, I was there.

4 Again, these were -- you've got  
5 participating in active concert. What an  
6 impossible term for me -- or phrase for me  
7 to answer yes to, because I was standing  
8 there, not moving people's stuff or  
9 telling them to leave at Powderhorn West,  
10 Powderhorn East, Kenwood, Elliot,  
11 Columbia, Matthews, Peavey.

12 Literally, I wasn't at many of those,  
13 but I can't -- I can't articulate -- if  
14 you say, "Were you there?" if you're going  
15 to proximate me being -- acting,  
16 participating in active concert, that's  
17 not an accurate representation of my  
18 involvement.

19 I'm just telling you so you know. I  
20 just want to clarify that. I'm not -- if  
21 I sound critical, I'm not trying to be.  
22 I'm just trying to address that issue.

23 Q. Okay. And I'm just asking if you were --

24 A. Present.

25 Q. -- present.

1 A. Okay. Okay.

2 Q. So -- and I want to clarify just because  
3 you listed off a bunch just then.

4 A. We'll go back.

5 Q. Were you present at the Powderhorn Park  
6 West?

7 A. Yes.

8 Q. Kenwood Park?

9 A. Yes.

10 Q. Elliot Park?

11 A. No. I was there the first day, and  
12 then -- and then -- when we didn't do it.  
13 And then I didn't come back for the second  
14 time when they actually -- when they  
15 actually demobilized it again, to the best  
16 of my recollection.

17 Q. Columbia Park?

18 A. I don't remember which one Columbia Park  
19 is. Where is that? Do we know?

20 I don't remember off the top of my  
21 head. I can google it if you want, but I  
22 don't recall.

23 Q. No, that's okay.

24 A. And Matthews is -- I don't recall where  
25 that is, either. I don't --

1           geographically I know these, but I don't  
2           know many of them by name.

3       Q.   So you don't recall if you were at the  
4           Matthews Park closure?

5       A.   I don't recall either of those.

6           2601 14th, I do recall that one, yes.  
7           That was -- that was mine. I did that  
8           with myself and Sergeant O'Connor.

9           Peavey, I was there on Franklin in a  
10          squad car, but never on the grounds of the  
11          Park.

12          13th, yes, I was there for that. I  
13          did that I think by myself.

14          Brackett Park, no.

15          B.F. Nelson, to the extent that  
16          that's the one that's over by Nicollet  
17          Island, I think that one I was not there.

18          Riverside, was not there. I actually  
19          never was at that one.

20          The mall, I mean, I've been there  
21          before, but I wasn't there when it was  
22          demobilized.

23          The Greenway has been demobilized  
24          bunches of times, you know, by different  
25          people. And that was sort of really not

1 an encampment. That was a whole bunch of  
2 people camping in various places.

3 And so I mean, I encouraged -- I had  
4 no -- the only thing the City is  
5 responsible for is the bike path. The  
6 property on both sides of it was owned by  
7 the County, then there were also some  
8 other little patchwork, you know,  
9 ownership.

10 But, you know, I still encouraged  
11 people, "Don't have -- don't wait until  
12 they show up because you're not going to  
13 have time to move your stuff."

14 And my -- and I also think I gave  
15 people some rides, moved their stuff for  
16 them, and different things like that.

17 So --

18 Q. Okay.

19 A. Do you want me to keep going down this  
20 list?

21 Q. Yes, please.

22 A. Martin Luther King, Jr. Park, I'm not sure  
23 where that one is at. Doesn't ring a  
24 bell.

25 The Minnehaha Falls Regional, no.

1                   2600 Minnehaha, no. Doesn't sound  
2 familiar.

3                   Elliot Park, you've got that one in  
4 here. That is not the one that I was at.  
5 Okay?

6                   So on the August 12 one where it says  
7 "Elliot Park," that was the day that I was  
8 there, but that wasn't a demobilization.  
9 Okay?

10                  Elliot Park in July of 2021, I wasn't  
11 there for that.

12                  I wasn't there for the -- this was --  
13 yeah, this is when I was at the fourth  
14 precinct.

15                  Actually, I was on leave in September  
16 and October and November, returning in  
17 December.

18                  1913, I don't know what that is.

19 Q. And that was at -- I can clarify --  
20 Sheridan by the Grain Belt.

21 A. Don't know anything about it.

22 Q. Okay.

23 A. 5th and Lake. Nope. I was at the fourth  
24 precinct.

25                  North Loop, I was there for that one,

1 but only in the capacity of I was at the  
2 fourth precinct, and they were utilizing  
3 our personnel on perimeter.

4 And so my role was to make sure that  
5 our people were where they're supposed to  
6 be, and that they got a break, and that  
7 they got food and water; and that when,  
8 you know, dog watch, who have been working  
9 all night -- as soon as day watch came on,  
10 or as soon as we could, we relieved them.

11 So that was my role at that  
12 encampment.

13 29th and 14th. I mean, sounds  
14 familiar, but I can't recall it.

15 29th and Bloom, I was there for that  
16 one.

17 Cedar and Franklin. Cedar Franklin.  
18 I don't -- I don't recall that one.

19 Near North I was there for.

20 Oh, I do recall the one on October 6,  
21 Cedar and Franklin. I was there for that.  
22 Myself and Troy Carlson were there.

23 Near North encampment, yes, I was  
24 there for that with Troy Carlson and other  
25 MPD officers.

1           Van White, isn't that -- aren't you  
2           calling both Near North and Van White --  
3           aren't they the same?

4       Q.   Do you consider them the same?

5       A.   I don't.   Otherwise, I don't know what  
6           you're referring to.   You would have to  
7           specify.

8           Are you referring to that block  
9           that's basically bounded by Currie, 2nd,  
10          Humboldt and Girard?

11      Q.   Yes.

12      A.   Which one is that?   Near North or Van  
13          White?

14      Q.   So -- well, what is your understanding  
15          about what the Near North encampment is?

16      A.   I always called the Near North encampment  
17          that block that I've just referred to that  
18          was bounded on the east by Girard, the  
19          west by Humboldt, the south by Currie, and  
20          the north by the -- just to the south of  
21          businesses along 2nd.

22          I don't know which one Van White is  
23          that you're referring to.   Do you?

24      Q.   I do, but if you don't know, that's --

25      A.   Okay.   I mean, if you want to tell me

1           where it was, I can --

2       Q.   So to the best of my understanding, there  
3           was Near North, and then there was a lot  
4           and a street, and a smaller encampment on  
5           the other side of the street.

6       A.   Oh, you're talking about the one that was  
7           over -- that abutted the -- it was on the  
8           east of Van White, and it was just to the  
9           north of the impound lot.

10      Q.   Correct.

11      A.   That's the one there was like six or seven  
12           tents there. But when we went there, they  
13           were unoccupied; the person had moved. So  
14           I'm sorry. That's why it didn't ring any  
15           bells for me.

16      Q.   Not a problem.

17      A.   Then The Quarry, I was there for that one.  
18           I don't think that was December 30th,  
19           though.

20      Q.   What day do you think it was?

21      A.   I thought it was -- I thought it was  
22           sometime in January, I think early  
23           January, because I thought it was right  
24           before I went out on leave. Maybe I'm  
25           wrong.



1 Q. And I'll represent that it was in  
2 December.

3 A. Okay.

4 Q. And then just to see if it refreshes your  
5 recollection about that, Matthews Park  
6 encampment on August 24, 2020, that's in  
7 the Seward neighborhood, on East 25th  
8 Street and 27th Avenue South.

9 Does that refresh your recollection  
10 at all about whether or not you were  
11 there?

12 A. I know where Seward neighborhood is, and I  
13 know where that is that you're referring  
14 to, but I don't recall that.

15 Seward, that may have been third  
16 precinct personnel that did it. When was  
17 that?

18 Q. August 24 of 2020.

19 A. Yeah, I don't recall that.

20 Q. So you just listed approximately 13  
21 encampment sweeps since May of 2020 that  
22 at this moment you can recall being at.

23 A. Mm-hmm.

24 Q. At how many of those sweeps was there  
25 physical violence against city staff?

1 A. Again --

2 MS. ENSLIN: I'm going to object to  
3 the extent it calls for speculation.

4 A. Yeah. Again, taking exception to your  
5 term, which I understand you know, I don't  
6 think -- I mean, I would have to do  
7 some -- I recall the physical violence  
8 against the staff at the Near North one  
9 that we spoke of in March of 2021. I  
10 don't know. I don't have firsthand  
11 knowledge of other -- and that was a  
12 fairly significant attack.

13 I don't know of other incidents like  
14 that, that sort of changed our trajectory  
15 about how we were going to do this in a  
16 way that everybody was protected. So I  
17 don't know of any others.

18 I know other ones where people were  
19 arrested.

20 BY MS. STILLMAN:

21 Q. Which ones are those?

22 A. Well, like 29th and Bloomington I think  
23 there was a couple of arrests made.

24 There was at the Near North one in --  
25 the 6th, there was arrests made, like two,

1           one or two.

2           Cedar Franklin, I think there was I  
3           think one arrest made.

4           29th and Bloom.

5           I don't know about 29th and 14th.

6           I don't know anything about the Near  
7           North Loop encampment, if there was or if  
8           there wasn't. So --

9       Q. For the Near North attempted sweep in  
10       March of 2021, were there arrests made  
11       that day?

12      A. There were.

13      Q. Do you know how many?

14      A. I think like four. I don't recall  
15       exactly.

16      Q. And city staff didn't actually enter the  
17       Near North encampment that day, did they?

18           MS. ENSLIN: Objection. Foundation.

19      A. No.

20           You're talking about March 2022,  
21       right? Or 2021?

22      BY MS. STILLMAN:

23      Q. 2021.

24      A. Yep. No, we didn't go into the encampment  
25       that day.

1 Q. Was it protesters who were -- who  
2 committed the physical violence against  
3 city staff that day?

4 A. So I was not the investigator, so what I'm  
5 telling you, my response to this is going  
6 to be based upon my recollection and my  
7 understanding of speaking with the  
8 investigator and stuff like that.

9 I believe that the people that were  
10 arrested were people that wanted to come  
11 and fight the police. And I know that one  
12 of the people that was arrested had been  
13 staying at George Floyd Square and came  
14 there specifically to fight with the  
15 police.

16 I know that there were other  
17 activists; I don't know where they were  
18 from. But I remember seeing them come out  
19 of the encampment, because when I arrived  
20 at 2nd and Humboldt to start setting up  
21 perimeter tape, they walked out of the  
22 encampment, looked down the street at us,  
23 and that's when they started pushing the  
24 dumpsters into the street.

25 Q. Have you ever -- have you been told that

1 the protesters that were there that day  
2 were a member of a particular group or  
3 organization?

4 A. Not that I recall.

5 Q. Has there been a response to the violent  
6 protesters other than not providing  
7 encampments with notice of a sweep?

8 MS. ENSLIN: Objection. Vague,  
9 foundation.

10 A. I mean, I think there has been a whole  
11 variety of responses the City's  
12 participated in. Is that the question? A  
13 response around -- related to encampments,  
14 or response in general? Because I don't  
15 know how to answer that. Those are  
16 different.

17 BY MS. STILLMAN:

18 Q. Related to encampments.

19 A. I mean, there has been. Yes, there has  
20 been. It's not just the arriving without  
21 notice.

22 The response has been to create a  
23 larger perimeter, to have enough people  
24 there so as to protect everybody that's  
25 involved, and, you know, create sort of

1           that de-escalation that we spoke about.

2           Yeah, those are -- those are a couple  
3           of the things.

4       Q.   In 2020, did you have to get permission  
5           from anybody to attend an encampment  
6           sweep?

7       A.   To what?

8       Q.   To attend an encampment sweep.

9       A.   In 2020, I didn't have to get permission  
10          from anybody to do my job, no.

11      Q.   So you would make the determination about  
12          whether or not you went?

13      A.   Yes and no. I mean, I still had a chain  
14          of command and, you know, reported  
15          generally directly to the chief. So there  
16          was often discussion and, "Can you  
17          support? Can you, you know, be present  
18          and offer" --

19                I'm assuming the way you're asking  
20          that is implying that these were not  
21          encampments that were under the purview or  
22          responsibility of the City of Minneapolis.  
23          And so I could decide or not, or choose  
24          whether to go.

25                That's what you're asking, right, is

1           that they were on somebody else's  
2           property?

3       Q.   I'm just asking generally, not related to  
4           an encampment on any specific property.

5       A.   Well, then the question needs to be  
6           rephrased. And I'm not -- again, I'm not  
7           fighting with you; I'm just trying -- I  
8           want to answer your question.

9           But you're saying -- your question  
10          was did I have to get permission to be  
11          present. Okay. The answer, to move an  
12          encampment, if -- which I would be present  
13          at if I was demobilizing something, was  
14          generally done in -- with notifications to  
15          the chief's office and to the inspectors  
16          and different things like that. And if  
17          people had apprehensions, I would  
18          certainly not go forward as a sergeant,  
19          despite, you know, what they said.

20          So the answer is yes and no. But if  
21          it was on someone else's property, in  
22          2020, like, for example, Hennepin County,  
23          or Parks, I mean, I don't think I ever  
24          showed up without being requested to be  
25          there.

1           So I don't know how you would  
2           interpret that as permission. I mean, I  
3           know specifically at Powderhorn I notified  
4           our chief's office that I would be  
5           present, but that was a conversation I  
6           think that actually took place between  
7           Chief Ohotto and Chief Arradondo. And I  
8           wasn't privilege to that, so I don't know  
9           what was discussed.

10           MS. STILLMAN: I'm going to go to a  
11           document that's previously been marked as  
12           Exhibit 286.

13           (Deposition Exhibit No. 286 was  
14           previously marked.)

15   BY MS. STILLMAN:

16   Q. If you just want to take a moment to  
17       familiarize yourself with this email.

18   A. That's like the most coherent email I've  
19       ever written. I don't think I did that  
20       very often, so --

21   Q. I know that feeling well.

22           So you make a number of  
23           recommendations in this email. I want to  
24           ask you about a few of those  
25           recommendations.



1 So in your first point, you write:

2 "Messaging should precede  
3 installation of fencing. I would  
4 strongly recommend that this  
5 message be delivered via outreach  
6 to all persons in the camp and  
7 that it explain what it means and  
8 what it doesn't mean. It gives us  
9 an early opportunity to gain  
10 participation from outreach who  
11 are absolutely necessary for  
12 smooth demobilization."

13 Why do you believe that participation  
14 from outreach are necessary for smooth  
15 demobilizations?

16 A. Lessons learned from the Wall of Forgotten  
17 Natives. True collaboration was hard to  
18 come by, but, you know, that process where  
19 everybody worked together was much more  
20 effective.

21 And I think that because -- you know,  
22 you would like an outcome to be  
23 multi-faceted, right? Not just everybody  
24 moves off the space, but everybody moves  
25 off the space and the space is closed and

1 people go to someplace better, whether  
2 that's shelter or housing or, you know,  
3 Avivo Village, or something like that.

4 So I think that the reasons why a  
5 coordinated outreach participation in  
6 here -- when I'm talking about "outreach,"  
7 I was speaking about outreach partners  
8 like AICDC, St. Stephens, Avivo, you know,  
9 those -- Hennepin Health Care for  
10 Homeless, those groups that did  
11 professional outreach with folks that were  
12 struggling with homelessness. I wasn't  
13 talking about our navigators at that point  
14 because we didn't have them.

15 So there is 8,000 different reasons  
16 why it makes a better plan, why it works  
17 better: It helps everyone.

18 Q. Does it help the residents?

19 A. Absolutely.

20 Q. How so?

21 A. Because places like Avivo and St.

22 Stephen's and Health Care for the Homeless  
23 provide resources that we don't as a City.

24 The County is an exception to that  
25 because they have a broader base of

1 resources and things. They're sort of --  
2 they hold those and have them available.  
3 But it still requires people to make the  
4 connection.

5 You would at least like to believe  
6 that the relationships that outreach has  
7 are strong and intact, and they're able  
8 to, you know, use that to the benefit of  
9 folks in the encampment. If it's going to  
10 be closed, we would -- we would like to  
11 prevent trauma around that closure, yeah.

12 Q. In point number 4, you write:

13 "Phased demobilization so that  
14 outreach can focus on less  
15 sections and it won't overwhelm  
16 the alternative housing/sheltering  
17 options."

18 Why would a phased demobilization  
19 help with not overwhelming alternative  
20 housing or sheltering options?

21 A. Well, I mean, I think there were 75 people  
22 at the Sabo encampment at the day that  
23 they closed it, or when they were planning  
24 to close it, and that's too many people.  
25 There is not that many shelter beds

1           available. Transportation becomes an  
2           issue, all that sort of things.

3                   It's much easier to deal with smaller  
4           groups of people and shrink the camp, the  
5           same way we did with the Wall of Forgotten  
6           Natives was we started at one end and we  
7           basically worked our way down, and it was  
8           a phased process.

9                   It gives a more manageable workload  
10          to the people that are actually going to  
11          be doing placement, going to be helping  
12          people move, and all those sorts of  
13          things.

14       Q. And in point 5, excuse me, you write:

15                   "Coordinated initiation of a  
16          logistics plan that involves  
17          temporary storage and movement of  
18          people's belongings off the site.  
19          The advantage to doing this is  
20          that it not only encourages  
21          relocation but it also prevents  
22          the undesirable optics of large  
23          groups of people sitting on a  
24          collection of items with nowhere  
25          to go."

1                   Why did you think that a logistics  
2                   plan that involves temporary storage and  
3                   movement of people's belongings off the  
4                   site was important?

5       A.   Well, because it -- it's -- you know, most  
6           people that sleep in encampments that have  
7           a large volume of stuff don't have an  
8           adequate means to do it.

9                   And one of the challenges of  
10           demobilization is if people have a lot of  
11           stuff and they don't move any of it, which  
12           they typically didn't before the day of  
13           demobilization, it can take hours, you  
14           know, and it creates a -- you know, people  
15           leaving and coming back, and leaving and  
16           coming back.

17                   And sometimes they don't come back,  
18           and then what do you do; you know what I  
19           mean?

20                   Just from a standpoint of trying to  
21           make it as efficient and make sure that  
22           they get the benefit of getting as much of  
23           their stuff, because what ends up  
24           happening, what I saw happening is people  
25           are like, "Yeah, I can't carry that much,"

1 and so they abandon half their shit, you  
2 know what I mean, and leave it there and  
3 take what they can.

4 The other side of that, the optic  
5 part of it that just breaks my heart is  
6 watching people push all their earthly  
7 belongings in a shopping cart down the  
8 sidewalk, with no intention or no idea of  
9 where they're going to go with it.

10 So, you know, that was both an  
11 efficiency sort of logistical from the  
12 point of view of how do we make this work  
13 and work well and do it within a  
14 reasonable time period, as well as sort of  
15 a moral and ethical acknowledgment that  
16 people need assistance in doing this, and  
17 it should be part of our plan.

18 Q. And then in that last point, 7, you  
19 write -- or you recommend:

20 "A cleanup strategy consistent  
21 with the best practices learned  
22 through the mobilization of the  
23 2018 encampment to include  
24 permanent closure of the space as  
25 well as a long-term strategy to

1                   remove hazardous material."

2                   What is the cleanup strategy  
3                   consistent with the best practices learned  
4                   through the mobilization of the 2018  
5                   encampment?

6       A.   Well, so the 2018 encampment I think I'm  
7           referring to is the Wall of Forgotten  
8           Natives, right? And I mean, they had a --  
9           when that closed, there was snow on the  
10          ground, and there was so much waste.  
11          There was so many needles, the ground  
12          underneath was contaminated and stuff like  
13          that. So they had to come in and scrape  
14          it. At some point after the snow went  
15          away, they cleaned it up.

16               And so that sort of lesson of this  
17               is -- this is -- we have to close the  
18               area, so secure it so other people aren't  
19               walking in there and getting stuck by  
20               needles and different things like that,  
21               right, and being exposed to things, as  
22               well as, you know, we may have to return.

23               I don't remember when this was. This  
24               was -- yeah, this was May.

25               So I think that's what I was

1 suggesting. That probably was more  
2 verbose as a point than it needed to be  
3 realistically, but that's what I was  
4 trying to communicate.

5 MS. STILLMAN: Before we go on to the  
6 next document, it's 11:50. Do people want  
7 to take a ten-minute break and then go  
8 until 1:00 and then break for lunch at  
9 1:00?

10 MS. ENSLIN: Sure.

11 (Break taken.)

12 MS. STILLMAN: I'm going to a  
13 document that's previously been marked as  
14 Exhibit 284.

15 (Deposition Exhibit No. 284 was  
16 previously marked.)

17 A. Thank you.

18 BY MS. STILLMAN:

19 Q. I'm sorry. Commander Snyder, are you  
20 ready?

21 A. Yeah, I just had -- my wife was texting  
22 me.

23 Q. I'll represent to you that you're not on  
24 any of these email chains. I'm just going  
25 to be asking you about the email from



1 Lieutenant Mark Klukow on pages 1 and 2.

2 If you want to just take a second to  
3 review that email.

4 If you turn to page 2, that top  
5 bullet point says:

6 "MPD employees using physical  
7 measures to remove people from  
8 their tents is defined as force."

9 Would you agree that physically  
10 removing someone from their tent is a use  
11 of force?

12 A. Yes.

13 Q. In the third bullet point down, the second  
14 sub bullet point, it says:

15 "The MPD does not have the  
16 capacity to perform the  
17 administrative tasks of cataloging  
18 property without an accompanying  
19 arrest. These tasks should be  
20 delegated to an enterprise partner  
21 who will be on site."

22 When you attended encampment sweeps  
23 on city property, were you expected to  
24 catalog encampment residents' property?

25 MS. ENSLIN: Objection. Vague. Also

1 object to the extent it calls for a legal  
2 conclusion.

3 A. Yeah, I would -- expected by whom?

4 I mean, if we took somebody into  
5 custody, the expectation is we would have  
6 to take their stuff, but not a whole  
7 tent's worth of things. It would be,  
8 generally speaking, but we don't -- I  
9 can't remember a time where in any of our  
10 closures we took people -- I mean, I never  
11 made an arrest while I was doing that  
12 work.

13 So the expectation obviously would be  
14 consistent with MPD policy that -- you  
15 know, that we would have to collect their  
16 stuff and inventory it, but --

17 BY MS. STILLMAN:

18 Q. When you attended sweeps of encampments on  
19 city property, have you ever witnessed  
20 city staff cataloging an encampment  
21 resident's property?

22 MS. MARTENSON: Objection. I want to  
23 make a standing objection to the term  
24 "property" as vague.

25 MS. ENSLIN: I'm just going to also

1 object it calls for a legal conclusion.

2 A. I don't recall whether I've ever witnessed  
3 people -- I think I've witnessed people --  
4 well, I certainly have witnessed people  
5 putting things in bins, and us  
6 transporting that, but I don't recall  
7 cataloging. I don't recall anybody ever  
8 doing anything like that.

9 BY MS. STILLMAN:

10 Q. When you say "us," who do you mean?

11 A. Well, I mean, like at the Wall. We  
12 provided bins, in some cases assisted  
13 people that were -- you know, had like six  
14 bins or whatever to help them get their  
15 stuff in there, if they were struggling  
16 with it, and get it over onto the truck  
17 that was being used by Office of Emergency  
18 Management to transport it. That would be  
19 my primary recollection of that.

20 I know that there was -- at the Near  
21 North closure, I know that there were some  
22 items that were clearly high-dollar items,  
23 I think. And to my best of my knowledge,  
24 I know that solid waste was managing that  
25 and had taken their transport someplace.

1 I think they had actually all the property  
2 transported someplace, although I had  
3 nothing to do with that.

4 I know that the motorhomes went to  
5 the impound lot, and I helped several  
6 people get their property back out of the  
7 motorhomes.

8 Q. You helped them get their property out of  
9 the motorhomes during the sweep or after  
10 the fact?

11 A. After.

12 Q. From the impound lot?

13 A. Yeah.

14 Q. Do you recall, other than the Wall, times  
15 when the City has provided bins for people  
16 to put their property in when an  
17 encampment sweep was happening?

18 A. I don't recall off the top of my head.  
19 There may have been times when, you know,  
20 somebody was facilitating that.

21 I remember a few times when -- like  
22 at 13th and at 14th where people had come  
23 with trucks and were loading stuff in  
24 trucks, but that wasn't the city  
25 initiative, and we provided enough time

1           for people to do that.

2       Q.   Have you ever helped transport an  
3           encampment resident's belongings from  
4           the -- from an encampment to another  
5           location immediately after a sweep?

6       A.   Yes.

7       Q.   How many times?

8       A.   I don't know.

9           So, again, we're running into a  
10          problem. I don't consider two tents an  
11          encampment. But I've done it dozens of  
12          times where I've helped somebody move  
13          their tent or their property because, you  
14          know, they don't want to leave half of it  
15          there and have it got stolen. So I would  
16          use my Polaris Ranger to help them move  
17          it.

18       Q.   I apologize.

19       A.   I probably have a cool picture of one  
20          actually where it's stacked up over the  
21          top.

22       Q.   When was that?

23       A.   Oh, my gosh. It was Aaron. I can't  
24          remember when it was. Maybe like in that  
25          first summer. Like 2018, summer of 2018.

1 Q. Have you ever transported an encampment  
2 resident's property to a storage location  
3 owned by the City of Minneapolis?

4 A. No.

5 Q. Have you ever transported an encampment  
6 resident's property to another encampment?

7 A. Yes.

8 Q. Do you believe that homelessness is a  
9 crime?

10 MS. ENSLIN: Objection. Calls for a  
11 legal conclusion. Also vague.

12 A. No.

13 BY MS. STILLMAN:

14 Q. So you were at the attempted sweep of the  
15 Near North encampment as well as the  
16 actual sweep of the Near North encampment,  
17 correct?

18 A. The closures, yes.

19 Q. What was your involvement in the planning  
20 of the Near North encampment sweep?

21 MS. ENSLIN: Object to this as  
22 compound.

23 A. So which time?

24 BY MS. STILLMAN:

25 Q. The first time.

1 A. My only participation in the planning of  
2 the first time in March of 2021 was the  
3 planning to when we would arrive, and  
4 where we would put tape to prevent access,  
5 to put -- creating out a perimeter. That  
6 was my only involvement.

7 Q. Why was that your involvement in the  
8 planning?

9 A. Why was -- I don't understand the  
10 question.

11 Q. Sure.

12 Why were you the one who made the  
13 plans of what time you would arrive, and  
14 where?

15 A. I wasn't the one that made the plans of  
16 when I would arrive. They were -- I was  
17 the one who, as the fourth precinct  
18 lieutenant, was in charge of our staff.

19 And so it was because it was going to  
20 be, you know, precinct personnel, the  
21 unit -- the homelessness unit was  
22 unstaffed at that point, and so it was us  
23 providing precinct perimeter personnel.

24 That's why I was involved in  
25 identifying who was going to go and do it.

1 And, you know, the time was set by I think  
2 solid waste.

3 Q. Did you ever present a plan to Mayor Frey  
4 about how the Near North encampment sweep  
5 attempt in March of 2021 was going to  
6 happen?

7 A. I don't recall.

8 Q. Were you involved in the planning of the  
9 Near North encampment sweep in October of  
10 2022?

11 A. I was.

12 Q. What was your role in that?

13 A. Just that I was -- you know, I mean, at  
14 that point I was a commander, I was  
15 promoted, and my role was to just assist  
16 in -- the MPD to marshal MPD resources,  
17 was really my responsibility; how many  
18 people.

19 The perimeter, you know, was largely  
20 planned by Lieutenant Tommy Campbell, I  
21 think, where they were going to be closed  
22 off. But we -- you know, that was my  
23 responsibility was pulling those resources  
24 together.

25 Q. Who decided that -- the date that the



1           encampment was going to be closed?

2           MS. ENSLIN: Objection. Foundation.

3       A. So that's an interesting story.

4           I think there was a proposal, there  
5       were discussions about when we were going  
6       to do it. And there was -- I think that  
7       the date was a negotiation with the  
8       mayor's office, and I -- in a meeting in  
9       the mayor's office -- and I believe that  
10      the commissioner was there, and a variety  
11      of other people: Peter Ebnet; I think  
12      Gators -- Chief Staff Gators might have  
13      been there for that one -- to discuss the  
14      date that it was going to be closed on.

15           So, you know, I was given the date,  
16      basically is what it was.

17           MS. STILLMAN: I'm going to be going  
18      to Exhibit 271 and 273.

19           (Deposition Exhibit Nos. 271 and  
20      273 were previously marked.)

21      A. So this one we're done with here?

22      BY MS. STILLMAN:

23      Q. Yes.

24           And Exhibit 273 is the attachment to  
25      the email that's been marked as Exhibit

1 271.

2 A. Okay.

3 Q. So Exhibit 271, it's an email from you to  
4 multiple people on June 15, 2020, correct?

5 A. (Nods head up and down.)

6 Q. And there is an attachment --

7 A. Yes.

8 Q. -- of the 2901 Chicago Avenue South hotel  
9 evacuation. Do you see that in the  
10 "Subject" line? Below the "Subject" line.  
11 Sorry. Right above that bold line on the  
12 email.

13 A. Oh, yep. Yes, I see it.

14 Q. So this exhibit that's been marked as 273  
15 is the attachment to that email. If you  
16 go to the last page of Exhibit 273, ending  
17 in 040903, it says that this plan was  
18 prepared by you.

19 Do you see that?

20 A. Yeah, I do.

21 Q. Do you remember preparing this event  
22 action plan?

23 A. Can I review it real quick?

24 Q. Of course.

25 A. (Reviewing document.)

1 Yes, I do.

2 Q. Why did you prepare this event action  
3 plan?

4 A. Because the hotel had been essentially  
5 taken over and was being -- the owner of  
6 the hotel wanted it cleared out, and it  
7 was well beyond his scope. He'd basically  
8 been chased out of there.

9 Even the group calling themselves The  
10 Sanctuary Group, or whatever, had  
11 abandoned it largely, or had abandoned it  
12 by that point, and so he was requesting  
13 police assistance in getting everyone out  
14 of the hotel.

15 Q. Is there a reason you were assigned to be  
16 the one to draft this EAP -- or sorry.  
17 Hold on.

18 If I say "EAP," can we use that to  
19 stand for "event action plan"?

20 A. Sure. Yep. That's what it's called.

21 Q. Okay. So is there a reason that you were  
22 selected to specifically draft this  
23 specific EAP?

24 A. Yes. Because I was -- that was again  
25 during my time working, you know, in my

1 capacity at the -- for the unit, right?  
2 Even though I believe I was a lieutenant  
3 at that point and had been promoted.

4 I don't know why Dave O'Connor wasn't  
5 a participant in that, but it was -- it  
6 was my job at that point. It fell under  
7 the purview of my responsibility.

8 Q. I'm done with that document.

9 A. Okay.

10 Q. And I'm going to be going to the document  
11 that's been previously marked as Exhibit  
12 272.

13 (Deposition Exhibit No. 272 was  
14 previously marked.)

15 BY MS. STILLMAN:

16 Q. If you just want to take a moment to  
17 review that.

18 A. Okay.

19 Q. And you prepared this EAP, correct?

20 A. Correct.

21 Q. Why were you the one who prepared this  
22 EAP?

23 A. Because it was again a responsibility of  
24 our unit to conduct the closure of that  
25 encampment, so...

1 Q. Have you prepared any other encampment  
2 demobilization's EAPs other than the two  
3 we just looked at?

4 A. I think so.

5 Q. Do you remember for which encampments?

6 A. It wasn't The Quarry; it was one more  
7 recent.

8 I think maybe I did do The Quarry  
9 one. I can't recall.

10 I did the Near North one, I believe.

11 Q. The March 2021 Near North one?

12 A. I don't think we had an EAP for that one.

13 But the one that occurred after that --

14 Q. In October of 2022?

15 A. Yep. I did that one, to the best of my  
16 recollection.

17 But prior to that, I think it was --  
18 it was Kris Brown that had been doing  
19 them, or Tommy Campbell, prior to me  
20 coming back in August essentially of 2022.

21 Q. For all of the encampment sweeps that  
22 you've attended that have been on city  
23 property, has MPD created an EAP that  
24 you've seen?

25 MS. ENSLIN: Objection. Foundation.

1 A. No.

2 BY MS. STILLMAN:

3 Q. Why would you create an EAP in some  
4 circumstances but not others?

5 A. Well, again, I think it goes back to the  
6 definition of what you're calling a  
7 "sweep." But not all closures were  
8 created the same. There were ones where  
9 an EAP wouldn't be necessary because it  
10 was more of a cooperative effort to close  
11 an encampment.

12 And I don't think there was a -- if  
13 there was no expectation that we were  
14 going to be needing potentially a larger  
15 number of officers or support, I don't  
16 know that an EAP would really be justified  
17 in that situation.

18 But, you know, there are some -- open  
19 for some interpretation on when we should  
20 actually do that, but that's not -- you  
21 know, I didn't -- I didn't see one for  
22 everything that happened.

23 Q. So if you turn to page 4 of this document.  
24 It ends in 002507.

25 A. Okay.

1 Q. And then under "Operation" it says:

2 "Personnel will arrive on site at  
3 1200 and park adjacent to the  
4 encampment on 26th."

5 If you are the person drafting --  
6 well, as the person who drafted this EAP,  
7 did you decide when personnel would arrive  
8 at the encampment?

9 A. I don't recall whether that was a time. I  
10 mean, generally those decisions were made  
11 in response to somebody saying, "We're  
12 going to be there at this time," whether  
13 it was solid waste or CPED wanted it done  
14 at this time or whatever.

15 And it was a negotiation generally in  
16 which we had input; you know, "We can't do  
17 it at this time because of shift change,"  
18 or whatever else.

19 Q. For the EAP you prepared for The Quarry,  
20 did you choose the time that city staff  
21 would get to The Quarry encampment?

22 A. I don't -- I mean, I agreed with it. I  
23 don't know that I chose it.

24 Q. For the Near North EAP, did you choose the  
25 time that city staff would get to the

1 encampment?

2 A. Same response.

3 Q. You can put that away.

4 In 2020, were you part of any working  
5 groups that dealt with issues regarding  
6 homelessness?

7 A. Yeah, to an extent. I mean, there was a  
8 larger collaboration of people that -- I  
9 mean, I would speak regularly with Katie  
10 Topinka and Andrea Brennan and some other  
11 folks, and David Hewitt.

12 I don't know that we had a formal  
13 working group. We may have at that point.  
14 There were -- I was also in collaboration  
15 with, you know, many of our -- the  
16 nonprofit outreach people from the various  
17 organizations, and those would -- there  
18 were some Zoom calls and some  
19 collaborations there that I was at some of  
20 those, not all of them. But --

21 Q. Did you attend any meetings where issues  
22 regarding homelessness were discussed that  
23 were led by Don Ryan in 2020?

24 MS. MARTENSON: Objection. Vague and  
25 compound.



1 A. Maybe. I don't recall.

2 BY MS. STILLMAN:

3 Q. Did you attend any meetings in 2020 where  
4 Don Ryan was present and issues regarding  
5 homelessness were discussed?

6 A. Again, maybe. I don't recall specifically  
7 those meetings.

8 Q. What kind of things did you discuss  
9 regarding homelessness when you spoke with  
10 Katie Topinka?

11 MS. ENSLIN: Objection. Vague.

12 A. Any response that I would give to that  
13 would be speculative. I don't really -- I  
14 don't recall any specific conversations.

15 We had -- you know, I know we had  
16 general conversations about -- about sites  
17 that they would call me about that were on  
18 their property, and, you know, what did I  
19 think about that, or what could I do about  
20 that, or something.

21 They would -- they would get  
22 complaints about their property when it  
23 had to do with their property, and so  
24 those were conversations that I would have  
25 with them as they would be telling me this

1 or that.

2 And, likewise, I would be reporting  
3 back to them, you know, "I've made contact  
4 with this individual, and he or she said  
5 they're going to move," or something to  
6 that effect.

7 MS. STILLMAN: I'm going to go to the  
8 document that's previously been marked as  
9 Exhibit 78.

10 (Deposition Exhibit No. 78 was  
11 previously marked.)

12 A. Thank you.

13 BY MS. STILLMAN:

14 Q. And if you just want to take a moment to  
15 review this email.

16 If you look at the email from Chief  
17 Jason Ohotto, in the first paragraph of  
18 that email he underlines:

19 "Large demobilizations will be  
20 part of a planned and coordinated  
21 effort."

22 Do you see that?

23 A. I do.

24 Q. And under that paragraph he has five  
25 bullet points that name -- with five

1 different encampments.

2 Do you see that?

3 A. Yes.

4 Q. Would you consider Powderhorn West, Peavey  
5 Park, Elliot Park, Loring Park or Kenwood  
6 Park, any of those, to be large  
7 demobilizations?

8 A. Yes.

9 Q. Which ones?

10 A. Powderhorn, Peavey. I don't think Elliot  
11 was that large. Loring and Kenwood I  
12 would -- I would consider them all to be  
13 larger scale.

14 I mean, certainly you can rank them  
15 within that list, Powderhorn East and West  
16 being the largest.

17 Q. Why would you consider those four to be  
18 large demobilizations?

19 A. There are six of them on there, six -- or  
20 five.

21 Q. But you said that you wouldn't consider  
22 Elliot Park to be a large.

23 A. You're right.

24 Just because they were going -- they  
25 were larger in terms of the number of

1 tents, and potentially the number of  
2 people there.

3 In the case of Kenwood, it -- you  
4 know, it had a fairly large area, and, you  
5 know, just experiencewise, I would  
6 consider those to be you're not going to  
7 do it with one or two people; it's going  
8 to be a larger-scale demobilization.

9 Q. Did you discuss the plans for the  
10 demobilization of Powderhorn West with  
11 anybody from the MPRB?

12 A. I have no idea.

13 Q. Did you discuss the demobilization of  
14 Powderhorn West with anybody from Hennepin  
15 County?

16 A. I don't recall.

17 Q. Did you discuss the plans for the  
18 demobilization of Peavey Park with anybody  
19 from the MPRB?

20 A. I don't know.

21 Q. Did you discuss the demobilization of  
22 Peavey Park with anybody from Hennepin  
23 County?

24 A. No recollection.

25 Q. Did you discuss the demobilization of

1 Loring Park with anybody from MPRB?

2 A. No idea.

3 Q. What about from Hennepin County?

4 A. No idea.

5 Q. Did you discuss the demobilization of  
6 Kenwood Park with anybody from the MPRB?

7 A. No idea.

8 When you say "MPRB," are you talking  
9 about the board, or are you talking about  
10 the -- would that include the police  
11 department?

12 Q. Yes.

13 A. Oh. Well, then yes. I mean, in the case  
14 of Powderhorn East and West, Peavey,  
15 and -- I don't think Elliot; the first  
16 one, not the second one -- and then  
17 Kenwood, I had conversations with somebody  
18 from them, whether -- you know, about what  
19 was planned, or how they were going to do  
20 it, or when they were going to do it, or  
21 things like that, you know.

22 I apologize. I misunderstood.

23 Q. That's fine. And I should have clarified  
24 that.

25 And I guess I'll clarify, too, when I

1 say "County," I'm also referring to the  
2 Hennepin County Sheriff's Office.

3 A. Yeah, I didn't on any of those.

4 Loring I had nothing to do with; I  
5 just heard that it happened. But --

6 Q. You can put that away.

7 MS. STILLMAN: I'm going to be  
8 marking a document that's been  
9 Bates-stamped HC00032644 as Exhibit 391.

10 (Deposition Exhibit No. 391 was  
11 introduced.)

12 BY MS. STILLMAN:

13 Q. If you just want to take a moment to  
14 review that email.

15 A. All right.

16 Q. Were there calls happening between the  
17 State, Hennepin County, City of  
18 Minneapolis and MPRB about the encampment  
19 at Powderhorn in June of 2020?

20 A. From the content of the email, I would  
21 interpret that there were calls between  
22 the Park Board and the State. I don't --  
23 I don't -- it doesn't look like we were  
24 included in that.

25 Q. Why do you believe that the State didn't

1 want you in the call?

2 A. Because if you remember, there was --  
3 after the events involving George Floyd,  
4 there was this contraction around MPD  
5 can't do this on park land, and they can't  
6 do this, and all of this other stuff.

7 So I think that it was the State that  
8 was saying they didn't want MPD involved  
9 in it, which was silly and short-sighted,  
10 but that's what they did.

11 Q. Were you invited to future calls with the  
12 State about Powderhorn Park?

13 A. Not to my recollection. I don't have any  
14 idea.

15 Q. When did you start working with Don Ryan?

16 A. I mean, it was around that time. I don't  
17 remember when he sort of stepped into it.  
18 I think it was around that spring, you  
19 know, in 2020.

20 Q. How often would you speak with Don Ryan in  
21 the spring and summer of 2020?

22 A. I have no recollection. I mean, I know I  
23 talked to Don, but I can't even pinpoint  
24 when it was, in summertime or whatever.

25 I would -- there was a period of time

1           when there were things going on that I  
2           would talk to him every day, you know, but  
3           then there would be large gaps of  
4           communication.

5           So I don't even know how to sort of  
6           anchor that in a calendar or anything like  
7           that.

8           MS. STILLMAN: You can put that away.  
9           And I'm going to be going to the document  
10          that's been marked as Exhibit 23.

11          (Deposition Exhibit No. 23 was  
12          previously marked.)

13 BY MS. STILLMAN:

14 Q. So this is the EAP for the demobilization  
15      of Powderhorn Park East.

16          Do you recall receiving this EAP  
17      ever?

18 A. No, but I'm sure I did.

19 Q. And you were at the Powderhorn Park East  
20      sweep on July 20th of 2020, correct?

21 A. I was.

22 Q. What time did you get there?

23 A. I mean, I think I arrived around the same  
24      time everybody else did. I don't know  
25      when that was.



1 Q. How long did you stay?

2 A. Until they were done.

3 Q. What would you have considered being  
4 "done"?

5 A. Well, when they had cleared the site, and,  
6 you know, that's -- I think that's when I  
7 probably stayed until.

8 Q. Did you discuss the plan to sweep the  
9 Powderhorn Park East encampment with Chief  
10 Ohotto prior to the sweep?

11 A. I'm sure I did. I don't remember the  
12 specific conversation. I spoke with  
13 somebody because I would have had to have  
14 known when it was happening.

15 And Powderhorn was sort of their  
16 first large response, and so I think that  
17 there were conversations between myself  
18 and Chief Ohotto and, you know, other  
19 people that were involved, too, that sort  
20 of addressed, you know, best practices,  
21 and, you know, how we can make sure that  
22 people have the time necessary.

23 And, you know, a lot of what I did  
24 back then was sort of try and encourage  
25 how to go tent to tent, and how to make

1           those notifications, and, you know,  
2           what -- trying to slow things down to give  
3           people time to get their stuff, and things  
4           like that. How to make sure that the tent  
5           was not occupied. How to assess or  
6           determine whether what was left behind was  
7           truly being abandoned and left behind.

8           And my body-cam footage from that day  
9           would reveal that. It would show that.

10       Q. How do you assess whether somebody has  
11       actually abandoned their property?

12           MS. MARTENSON: Objection. I want to  
13           make a standing objection to the term  
14           "abandoned" as vague.

15           MS. ENSLIN: Just also going to  
16           object to the extent it calls for a legal  
17           conclusion.

18       A. Yeah. I mean, I think that we sort of  
19       operated on the premise that, you know,  
20       there was an assessment that was done by  
21       the condition of the property, the  
22       condition of the tent, when the last time  
23       someone had seen someone there, whether or  
24       not the person -- the simplest, and again,  
25       this is what my body cam would reveal --

1 was asking people, "What do you want done  
2 with this?"

3 And they would either say, "I don't  
4 care what happens to that," or, "Get rid  
5 of it," or something like that. That  
6 would be a fairly easy one.

7 It becomes more complicated when you  
8 would find an unoccupied tent, and then,  
9 generally speaking -- again, generally  
10 speaking, we would attempt to ascertain if  
11 anybody knew whose it was, whether they  
12 were coming back, when they had been  
13 there, that sort of thing.

14 BY MS. STILLMAN:

15 Q. Do you believe that giving residents two  
16 hours to pack up and leave Powderhorn Park  
17 East was a sufficient amount of time?

18 MS. ENSLIN: Objection. Calls for  
19 speculation.

20 A. If there was some -- if there were options  
21 and some measure of support, i.e., people  
22 helping them move, and transportation and  
23 those sort of things, I think that that's  
24 right on the border personally. But I was  
25 not a big fan of not giving people more

1 notice than that.

2 I don't know. If they had received  
3 prior notice, you know, that would all  
4 factor into that. So two hours on the day  
5 of closure, if they had been given notice,  
6 would seem very adequate to me for some  
7 people. For others, no.

8 I mean, and, you know, a part of that  
9 is because people tended to wait until the  
10 last minute, and then -- that's just the  
11 way that they approach this -- and then  
12 they would abandon some of their stuff, or  
13 much of their stuff, and things like that.

14 So, you know, it's a really very --  
15 it's specific to a site to how much notice  
16 was given, to the nature of the time of  
17 year, what the weather is like, whether or  
18 not they've got support, you know.

19 BY MS. STILLMAN:

20 Q. Why would the weather be a factor?

21 A. Well, if it's really hot, if it's really  
22 cold, if there's snow, if it's raining, if  
23 it's -- you know, all those things play  
24 into how reasonable it is that people can  
25 move their stuff, you know.

1 Q. Why would it if it's really cold factor  
2 into whether or not it's reasonable for  
3 somebody to move their stuff?

4 A. Because a lot of people working outside  
5 when it's really cold requires getting out  
6 of your tent, or getting out -- you know,  
7 and more than just the people in the  
8 encampment. It requires, you know, city  
9 staff to be, you know, appropriately  
10 attired.

11 And there is some concerns about --  
12 for my mind, there is some concerns about  
13 people finding, you know, another space to  
14 go, and are they going to get stuck  
15 outside, are they going to have to spend a  
16 long period outside.

17 I was not a big fan of doing -- I  
18 wasn't a fan of doing closures when it was  
19 really cold at all.

20 Q. In your experience, would you say that  
21 packing when it's really cold could lead  
22 to a risk of getting frostbite?

23 MS. ENSLIN: Objection. Calls for  
24 speculation.

25 A. I mean, I don't know. It could, I guess,

1 if you're outside and you're not properly  
2 attired.

3 It's just not a great time to be  
4 worried about packing your stuff outside  
5 when it's really cold. And, again,  
6 we're -- you know, we haven't defined what  
7 "really cold" is, but I always worried  
8 about people getting frostbite, so --

9 BY MS. STILLMAN:

10 Q. In your experience, would people -- would  
11 encampment residents want to keep their  
12 tents up until the last possible minute so  
13 they had a place to stay until they had to  
14 leave?

15 MS. ENSLIN: Objection. Calls for  
16 speculation, incomplete hypothetical, and  
17 compound.

18 A. Yeah, I don't -- I mean, in my experience,  
19 most people didn't start packing until we  
20 showed up the morning of, regardless of  
21 how much notice they were given.

22 And that's sort of this ubiquitous  
23 reality across all of the closures that  
24 I've been a participant in, and it's  
25 always been like that to my experience, is

1           that people just wait until they see  
2           garbage trucks roll in or police roll in,  
3           or something like that, and people saying  
4           they have to go.

5                   I don't know why. I don't know why.

6           I'm sorry.

7   BY MS. STILLMAN:

8   Q.   No, that's fine.

9                   Have you ever asked anybody why?

10   A.   Yeah.

11   Q.   What was the response you got?

12   A.   I mean, again, anecdotally, everything  
13           from, you know, "I was hoping you wouldn't  
14           come," to, "I was in getting high," to,  
15           you know, "I've got so much stuff, I don't  
16           know what to do with it," or, "I don't  
17           know what I want." And, you know, just  
18           nothing really other than casual  
19           conversation about it.

20   Q.   Did anybody say it was because they  
21           weren't sure when the encampment was going  
22           to be cleared?

23   A.   I mean, I don't recall anybody ever saying  
24           that to me.

25   Q.   Have you ever heard that?

1 MS. ENSLIN: Objection. Vague.

2 A. Not from people in the encampment that I  
3 recall, other than like, "I was hoping you  
4 weren't coming," that sort of thing.

5 So --

6 MS. STILLMAN: I'm going to go to the  
7 document that's previously been marked as  
8 Exhibit 83.

9 (Deposition Exhibit No. 83 was  
10 previously marked.)

11 BY MS. STILLMAN:

12 Q. And you can just take a moment to review  
13 that.

14 A. (Reviewing document.)

15 Q. Have you had -- have you finished  
16 reviewing the emails?

17 A. Yes.

18 Q. So Mr. Ryan writes to Chief Ohotto, and  
19 then cc's you, that he believes you should  
20 stick --

21 "...we should stick to the  
22 protocol of noticing a park and  
23 then demobilizing at least a day  
24 later."

25 And then in the next paragraph,



1 writes:

2 "He is at Matthews right now with  
3 someone who was staying is there  
4 and his tents and belongings were  
5 thrown out. He hadn't abandoned  
6 his stuff and came back to find  
7 his stuff thrown away."

8 Have you heard of other encampment  
9 residents who have not been present at an  
10 encampment when it was closed and then had  
11 their belongings thrown out?

12 A. Yes.

13 Q. Do you recall when?

14 A. No. I just -- I know that it was a  
15 concern. It's one of the crappy things  
16 about closures that, unfortunately, you  
17 know, it's hard to figure out how to  
18 mitigate that.

19 But -- but, you know, yeah. So I  
20 know that it has happened.

21 Q. And you know that it happened in the  
22 summer of 2020?

23 A. Well, I mean, I'm reading the email about  
24 it, you know.

25 We weren't closing camps in the

1 summer of 2020. To the best of my  
2 knowledge, the City wasn't. Except for we  
3 had, you know, like the Sheridan, and I  
4 think there was the one on 14th and stuff  
5 like that, but those were both noticed and  
6 had long periods of time.

7 So, you know, the actual examples of  
8 people who had been gone for a longer  
9 period of time, like I'm assuming -- I  
10 don't know what the closure -- what the  
11 time period was on this. I don't remember  
12 what he did or didn't do. I wasn't  
13 involved in Matthews to the best of my  
14 knowledge. So I don't -- it's hard for me  
15 to respond to that.

16 And when I say "we," I'm talking  
17 about the City. I know Parks was closing  
18 camps during that period of time.

19 Q. Did you discuss the concerns about people  
20 not being at a sweep and losing property  
21 with anyone from Hennepin County?

22 A. I mean, I discussed it with David Hewitt.  
23 I discussed it with Katie Topinka -- or  
24 she was CPED -- with Danielle Werder.

25 I mean, I had conversations with

1 anybody that would listen about that  
2 because it was a concern. It was one of  
3 the big things that our partners in  
4 outreach would bring up is, "Hey, we're  
5 worried about people losing their stuff  
6 and whatnot."

7 You know, a part of that  
8 conversation, though, is also the  
9 acknowledgment that much -- you know, that  
10 the stuff in encampments tends not to be  
11 like the stuff in your living room or  
12 mine. It's different. And it's -- I  
13 can't recall, with possibly one exception,  
14 a time when I walked into an encampment  
15 and saw this large quantity of personal  
16 property that was clearly something  
17 someone wanted to save.

18 I mean, much of what we saw in  
19 encampments was in the nature of stuff  
20 that was soiled and wet and discarded,  
21 mixed in with junk and needles and  
22 trinkets like, you know, an old lawnmower  
23 motor or blade or things like that.

24 So, you know, a part of the thing  
25 that makes this a challenging conversation

1 is we're sort of generalizing that  
2 everything in a tent is -- it's like it's  
3 neatly stacked and organized, and you look  
4 at it and go, "Yeah, somebody cares about  
5 this because it's -- you know, it's so  
6 well taken -- let's throw it away." And  
7 that never happened.

8 It was always generally the sort of  
9 very disorganized, again, dangerous tents  
10 that tended to be in poor condition and  
11 things like that. So --

12 Q. You mentioned one exception. What was  
13 that exception?

14 A. I just remember one time walking in -- I  
15 think it was underneath the bridge over  
16 by -- over by the Whole Foods that's over  
17 right on the border of St. Louis Park,  
18 right over by Bde Maka Ska Lake.

19 There was a bridge there right by the  
20 bike path, and there is a guy that had an  
21 encampment underneath there, and he had a  
22 little -- like almost set up like a living  
23 room, and he had a bookshelf, and he had  
24 all this stuff.

25 So clearly, you know, that was -- he

1           was taking care of that, and it was very  
2           easy to see somebody was residing there.

3       Q.   Other than this email, did you hear about  
4           other residents in the summer --  
5           encampment residents in the summer of 2020  
6           who had property destroyed at an  
7           encampment sweep in Hennepin County?

8       A.   I mean, it was sort of a common refrain  
9           from our outreach partners -- pardon me --  
10          that I would talk to John Tribbett, who is  
11          now with Avivo, but was with St. Stephens,  
12          and he would say, "Oh, we're hearing from  
13          outreach that so-and-so lost his stuff  
14          when this camp was closed."

15                 And I had no way of responding to  
16                 that, you know, particularly if I had  
17                 nothing to do with it, you know. But you  
18                 heard it with some frequency.

19                 There were a few commonalities.  
20                 Everyone had their important papers and  
21                 keepsakes and medications there, and stuff  
22                 like that. It was -- it was not -- and  
23                 I -- and I sort of viewed that with some  
24                 skepticism because that sort of became --  
25                 again, everybody's refrain was that, "Oh,

1 I lost my medication and I can't get  
2 more," "I lost my important ID or papers  
3 and I can't get more," and stuff like  
4 that.

5 So those were the commonalities in  
6 what was reported.

7 Q. You mentioned that you talked to David  
8 Hewitt about the potential loss of  
9 property at encampment sweeps. What did  
10 you discuss about that with him?

11 A. Well, I mean, I don't recall specifically  
12 the conversation. I can tell you what my  
13 position was, and what my position is, and  
14 it seems reasonable that I would have  
15 related that; and that is that we would do  
16 our best to try and prevent it.

17 It was an unfortunate sort of reality  
18 of encampments is that it's -- and it's  
19 not just a closure that causes loss of  
20 property. It's sort of the -- you know,  
21 the pilfering and theft that occurs with  
22 great frequency. And, you know, it rains  
23 and everything gets soaked, then just  
24 discarded, and things like that.

25 But we were always trying to figure

1 out ways to sort of mitigate because we  
2 didn't want people losing things that were  
3 of value to them.

4 Q. What were some of the ways in which you  
5 tried to mitigate that?

6 A. I think notice was a big one. You know,  
7 at the scene we would try and, "Oh, there  
8 is nobody in this tent. It's abandoned."  
9 You know, that wasn't commonly the way  
10 that we would approach it.

11 We would try to find out more  
12 information about who was there, "Do you  
13 know where they are? You know, are they  
14 coming back?" that sort of thing. "How  
15 long ago were they here?" If they haven't  
16 seen them for two weeks, it was a pretty  
17 good bet that they're not coming back.

18 But, again, in the condition -- I  
19 mean, you know, we were limited by our  
20 ability to again look at a collection of  
21 items and determine whether or not  
22 somebody wanted that.

23 I mean, the two needle sticks that I  
24 got were in encampments during closures  
25 where I was going through trying to figure

1 out if people -- if this was -- and it  
2 just became too dangerous because I got  
3 stuck twice with needles in encampment  
4 closures.

5 So after that, we just, you know,  
6 stopped piece by piece, item by item  
7 trying to assess what was there, and went  
8 with a general sense of, you know, what it  
9 looked like, its condition, what we could  
10 get from other people that were nearby,  
11 and stuff like that.

12 Q. What was David Hewitt's response when you  
13 told him your opinion?

14 A. I have no idea. I can't recall.

15 MS. STILLMAN: So it's 12:59, and I'm  
16 kind of at a stopping point if we want to  
17 take 30 -- does 30 minutes sound good for  
18 lunch?

19 MS. ENSLIN: Yeah.

20 (A lunch recess was taken.)

21 BY MS. STILLMAN:

22 Q. And then, Commander Snyder, if you just  
23 want to let me know when you're ready.

24 A. Oh, I'm ready.

25 MS. STILLMAN: I'm going to go to the



1 document that's previously been marked as  
2 Exhibit 53.

3 (Deposition Exhibit No. 53 was  
4 previously marked.)

5 A. Thanks.

6 BY MS. STILLMAN:

7 Q. And this is the EAP for the -- this is the  
8 EAP for the demobilization of the  
9 encampment at Peavey Park.

10 Have you seen this document before?

11 A. Not to my knowledge. I may have, but I  
12 don't recall it.

13 Q. So -- well, so this was prepared by Chief  
14 Ohotto. If you turn to page 2, at the  
15 bottom it says that you are going to be  
16 outreach.

17 Do you see that?

18 A. I do.

19 Which encampment is this for?  
20 Powderhorn West?

21 Q. So this is --

22 A. It's Peavey.

23 Q. To get into it, the -- I'm actually going  
24 to put this document away. I'm not going  
25 to ask questions about that.

1 MS. STILLMAN: I'm going to be going  
2 to the document that's been marked as  
3 Exhibit 55.

4 (Deposition Exhibit No. 55 was  
5 previously marked.)

6 A. Sorry.

7 MS. STILLMAN: And then I'm going to  
8 be marking a document that's been  
9 Bates-stamped as MPRB 001820 as Exhibit  
10 392.

11 (Deposition Exhibit No. 392 was  
12 introduced.)

13 MS. STILLMAN: And I'll represent  
14 that Exhibit 55 is the attachment to  
15 Exhibit 392.

16 BY MS. STILLMAN:

17 Q. Do you know who Calvin Noble is?

18 A. I do.

19 MS. MARTENSON: Sorry. Is 392 --  
20 (Discussion off the record.)

21 A. I do know Calvin Noble.

22 BY MS. STILLMAN:

23 Q. Who is he?

24 A. Well, he was a lieutenant. I don't know  
25 if he's still a lieutenant or if he's a

1 captain or whatever now, but --

2 Q. With Minneapolis?

3 A. With Parks.

4 Q. Parks. Okay.

5 So if you go to the page ending in

6 18255 (sic), or --

7 A. In which document, please?

8 Q. In Exhibit 55.

9 A. Okay.

10 18255?

11 Q. -225. I think I messed that up. It's the  
12 fourth page.

13 A. Got it.

14 Q. Then on the top there, you're listed as  
15 MPD outreach.

16 A. Yep.

17 Q. And is Katie -- as is Katie Miller?

18 A. Mm-hmm.

19 Q. Is Katie Miller a sworn officer with MPD?

20 A. She's not. She is a civilian navigator.

21 I don't know what her current job was or  
22 is, but back then it was.

23 Q. And you were at the Peavey Park encampment  
24 demobilization, correct?

25 A. Again, I was there, but I never entered

1 the space.

2 Q. How far were you from the -- when you say  
3 "the space," do you mean the encampment?

4 A. Yeah.

5 Q. Did you enter the perimeter?

6 A. I don't believe so. It's a little hard to  
7 recall.

8 There was a -- I think I was in a  
9 vehicle on the -- sort of southwest of it,  
10 in the parking lot over by where the -- by  
11 where there is a loading dock over there  
12 that attaches to that academy or school,  
13 or whatever it is.

14 And then at some point I was over on  
15 Franklin. But I don't recall ever being  
16 inside the encampment.

17 So having me listed as outreach, I  
18 don't think I did that at Peavey. I don't  
19 recall. I mean, my recollection is that I  
20 didn't, but --

21 Q. Could you see what was going on inside the  
22 perimeter at all?

23 A. I mean, possibly. I don't have any big  
24 recollection of that encampment takedown  
25 other than I remember being over on one

1 side, and then I remember being over on  
2 Franklin when a bunch of people charged  
3 the squads that were over there. But  
4 that's my recollection of it.

5 Q. Did you ever get out of your squad car?

6 A. I don't think I was in a squad car. I  
7 think I was in either my Ranger or an  
8 unmarked car. But I don't think my squad  
9 car was ever there because I didn't have  
10 one back then. So --

11 Q. Do you recall getting out of the vehicle  
12 you were in that day?

13 A. Maybe. I just don't have much  
14 recollection of it.

15 You know, I spent plenty of time at  
16 Peavey, but not at this time, I don't  
17 think. I was there when it occurred, but,  
18 again, I don't really remember my role.

19 Q. So when you say you were at Peavey, have  
20 you visited the encampment prior to its  
21 closure?

22 A. Yep.

23 Q. About how many times?

24 A. A bunch. I would deliver bag lunches over  
25 there, and other stuff.

1 Q. Through Involve MN, or through your role  
2 as an MPD?

3 A. I did it as a cop, because I would get  
4 them and take them in, you know. So I was  
5 doing it during my work hours, too, so --

6 Q. When you were there, did you ever meet  
7 someone named Henrietta Brown?

8 A. That sounds familiar. I think I know that  
9 name. I don't remember much about her. I  
10 think it's a her, but I don't recall.  
11 So --

12 Q. Do you know that she's a named plaintiff  
13 in this case?

14 A. I think I did know that.

15 Q. Is there a reason that Calvin Noble was  
16 sending you the operations plan for Peavey  
17 Park?

18 A. Well, because I was there. And I think  
19 that the plan was that I would be there to  
20 try and assist where possible.

21 My justification to my administration  
22 on why I would be present at these things  
23 was because we had a -- I felt like we had  
24 a good way of doing this that sort of  
25 protected people's stuff. And I was

1 concerned I think at the time about being  
2 able to slow things down a little bit, and  
3 sort of using best practices a little bit.

4 So my -- or not a little bit, but  
5 using best practices when we did it.

6 Not all officers are -- approach, you  
7 know, this population in a way that's  
8 helpful, and that's -- I'm not saying  
9 anybody there didn't, but it was just sort  
10 of my gut reaction.

11 I knew most of these people much --  
12 well, way more than other people did, and  
13 so I felt like if there may be an  
14 opportunity for me to prevent bad things  
15 from happening and make sure we're doing  
16 it the right way...

17 But, again, that was my justification  
18 of my administration of why I participated  
19 in these things. I think Chief Ohotto had  
20 asked Arradondo that I be present on these  
21 things to offer assistance where I could.

22 Q. What are some of the best practices that  
23 you're referring to?

24 A. Well, again, the way you approach people.

25 You know, "Hey, you know, we got a --

1 we're closing the encampment. You know,  
2 we got to get you up and," you know, if  
3 it's early in the morning, "get you  
4 packing your stuff. You know, here's some  
5 garbage bags. You know, is there" -- and  
6 sort of working with people versus, "Grab  
7 your stuff and get out"; you know what I  
8 mean?

9 And I have -- I've heard that story,  
10 and I didn't want to under my watch have  
11 that happen. And happily, I didn't.

12 That's not generally what happened,  
13 you know, so -- but I felt protective of  
14 the people that I cared so much about, and  
15 so I wanted to be there and help where I  
16 could.

17 So best practices would be that it  
18 would be slowing it down, giving people  
19 time. You get woken out of a dead sleep  
20 in some cases and told to pack up  
21 everything you've got, it's going to take  
22 some time, and that time isn't 15 minutes,  
23 you know. It's going to be you're going  
24 to be there for a duration, making sure  
25 that people are actually moving forward.



1           Sometimes they had to be reminded.  
2           They had to be woken up again. Encouraged  
3           not to leave, because, you know, if you  
4           don't come back, we have to treat this  
5           property as abandoned, you know.

6           And I encouraged people to -- you  
7           know, cops to give people garbage bags to  
8           assist. And also, if people needed help,  
9           they're not making 45 trips in and out of  
10          the perimeter, to help them do that.

11          Then there are other best practices  
12          that -- you know, like not allowing people  
13          that were not inside the perimeter,  
14          already inside the camp, to come in,  
15          except in very rare situations, because  
16          that's where -- like with Powderhorn East,  
17          that's what sort of created that standoff  
18          in the end.

19          Those were all people that were not  
20          in the encampment, and they came in during  
21          that, waited around, and then encircled  
22          that tent, forcing that arrest.

23        Q. Did you have any concerns that those best  
24          practices wouldn't be followed at the  
25          Peavey Park encampment demobilization?

1 A. I don't -- I don't recall specifically  
2 specific to the Peavey Park encampment. I  
3 think I just generally -- you have to  
4 understand the amount of time that I spent  
5 with these folks.

6 I would see these people two and  
7 three times a day every single day. My  
8 job wasn't -- wasn't occasionally, like  
9 once or twice a week, going out there.  
10 Every day, my day started and ended in  
11 encampments, and that's where I spent all  
12 my time.

13 So my relationship with these people  
14 made me suspicious, if that's the right  
15 word even, and, you know -- or protective,  
16 so that's why I felt like I wanted to be  
17 there.

18 Q. Do you know how long the residents of the  
19 Peavey Park encampment were given to pack  
20 on September 24, 2020?

21 A. I don't. I have no idea.

22 Q. So I mentioned Henrietta Brown earlier.  
23 In the complaint, she makes allegations  
24 that she had property destroyed at the  
25 Peavey Park encampment sweep.

1                   Do you have any reason to doubt those  
2                   allegations?

3                   MS. ENSLIN:   Objection.   Calls for  
4                   speculation.

5       A.   I wouldn't -- I don't know how to respond  
6            to that.   I don't -- I don't have any  
7            reason to believe them; I don't have any  
8            reason to doubt them.

9                   My recollection of Ms. Brown is that  
10            she's unstable, so I don't know whether or  
11            not that's true.   I just can't judge it  
12            because I didn't witness it, to the best  
13            of my knowledge.

14       BY MS. STILLMAN:

15       Q.   You mentioned justifying being at Peavey  
16            to your supervisors to ensure best  
17            practices -- I'm probably not quoting you  
18            exactly correctly here --

19       A.   Close enough.

20       Q.   -- to ensure that best practices were  
21            followed.

22                   Who did you report to in September of  
23            2020?

24       A.   So my chain of command technically was  
25            from me to Charley Adams to Art Knight.

1 Charley Adams was commander of the  
2 division.

3 Want me to pause while you get your  
4 page ready, while you write these down?

5 Q. Sure. Thanks.

6 A. So my commander was Charley Adams. Then  
7 above him was Chief of Staff Art Knight.  
8 And above him technically was -- was  
9 Assistant Chief Henry Halvorson. And then  
10 above him was Chief Arradondo.

11 Now, in practice, most of the  
12 conversations that I had didn't go to  
13 Charley. They went to -- and they didn't  
14 go to Art. They went right to the chief,  
15 generally speaking.

16 Now, that's not -- that didn't always  
17 happen because I worked with a lot of the  
18 inspectors who outranked me. And I  
19 trusted them to pass on what they needed  
20 to know, but it was specific to their  
21 precinct.

22 Most of my best practices discussions  
23 really around that time were probably  
24 happening either directly with the chief  
25 or with Peter Ebnet in the mayor's office.

1 Q. After -- when Amelia Huffman took over as  
2 interim chief, did you start having those  
3 discussions about best practices and  
4 encampment demobilizations with her?

5 A. Well, she was the assistant chief for a  
6 while, and so -- when Henry left. And so  
7 I had many of those conversations.

8 I don't know if you've deposed her or  
9 not, but she's extremely intelligent, and  
10 she understood even without me saying a  
11 lot of this. So she did her homework.

12 But I did have conversations. She  
13 was the one that wanted to have me come  
14 back as a commander into that role, and so  
15 her and I talked about that.

16 I also had conversations with Chief  
17 Fors, who was really the one who was  
18 mostly in charge. I think at the time  
19 when I was out of that, he was the one  
20 that was sort of marshaling MPD's response  
21 and how it fit into the enterprises plan.

22 Q. Do you now speak to Chief O'Hara at all  
23 about best practices for encampment  
24 sweeps?

25 A. Bear in mind, again, I've been gone since

1 the second week of January.

2 I had had some conversations with him  
3 about encampments and what I consider to  
4 be best practices. I had conversations  
5 with Chief Gators about it and sort of our  
6 broader strategy. But I mean, I don't  
7 speak to him regularly. I have had maybe  
8 two text communications since January with  
9 him, and that had nothing to do with  
10 encampments.

11 Q. Does Chief O'Hara approach encampment  
12 sweeps differently than Chief Arradondo  
13 did?

14 MS. ENSLIN: Objection. Foundation,  
15 calls for speculation.

16 A. Yes, to my understanding.

17 BY MS. STILLMAN:

18 Q. Why is that your understanding?

19 A. Because, again, we had a few -- he came in  
20 I think November, and we only had a  
21 limited number of encampment-related  
22 closures. So Rondo had far more than  
23 that, and a lot more experience.

24 He and I had talked philosophically  
25 about how we view people that are homeless

1 citizens, and sort of the, you know, sort  
2 of shared obligation that we have to help  
3 our citizens that are struggling. I've  
4 never had those conversations with Chief  
5 O'Hara.

6 I'm not going to speak to what he  
7 believes or doesn't believe because I  
8 don't know. But I think he trusted that  
9 the broader enterprise strategy was -- was  
10 well conceived, and doing what it was  
11 supposed to do.

12 Q. Were there shelter spaces available for  
13 the residents of the Peavey Park  
14 encampment when it was closed?

15 MS. ENSLIN: Objection. Foundation.

16 MS. MARTENSON: Objection. Vague.

17 A. I don't know.

18 I know that there were discussions  
19 about that as a best practice, about  
20 trying to, you know, have people at least  
21 make sure that they understood. But  
22 shelter is very challenging.

23 Generally in the warmer months there  
24 is always shelter beds available, right?  
25 Depends on the size of the encampment.

1 But it goes like this (indicating). And  
2 access to that is tedious. It's  
3 accessible, but most people in the  
4 encampments know how to get access to it.

5 And it's -- so most of the people  
6 that I experienced sleeping in  
7 encampments, whatever one it was, it  
8 wasn't a thing that they didn't know how  
9 to get shelter beds, or there were none  
10 available. It was that they didn't want  
11 them. And I don't fault them for that,  
12 you know, but that's my experience with  
13 it.

14 So I can't speak to -- when Peavey  
15 was demobilized, I can't speak to whether  
16 or not there were specific beds available.  
17 It looks like it was in July or something  
18 like that.

19 BY MS. STILLMAN:

20 Q. The Peavey Park sweep was September 24,  
21 2020.

22 A. September, yeah. So that still would be I  
23 think early enough in the season that  
24 there would probably still be daily beds  
25 available.



1 Q. Why wouldn't you fault them for not  
2 wanting to go to a shelter?

3 A. Because shelters, except for one, suck. I  
4 mean, they -- Avivo does it better than  
5 anybody else. And if you have never  
6 visited Avivo Village, I would encourage  
7 you to do it. But they just do an amazing  
8 job of that.

9 The same cannot be said for some of  
10 the other shelters, which are warehouses,  
11 and I don't -- this is my personal  
12 opinion, you know.

13 Q. Yes.

14 A. But I've talked to enough people who have  
15 had their stuff stolen and things like  
16 that.

17 I mean, I think that the people that  
18 are running the shelters are doing it for  
19 the right reason, and they're trying to  
20 help people, but it's -- shelters are  
21 crappy, you know.

22 Q. Has anybody ever told you that they've  
23 been assaulted at a shelter?

24 A. Yes.

25 Q. You said you had discussions about

1           checking for shelter space being a best  
2           practice; is that correct?

3       A.   Yeah.

4       Q.   Who did you have those discussions with?

5       A.   I mean, it's kind of hard to recall.

6                   I think that we always -- you know,  
7           we would talk with Andrea Brennan when --  
8           during that time when she was more in  
9           charge of -- you know, certainly CPED was  
10          taking the lead. David Hewitt was part of  
11          those calls, Katie Topinka. That was back  
12          during Noya's participation and things  
13          like that.

14                 So we talked about it. It really  
15          wasn't me informing people. That was just  
16          sort of a shared understanding. And then  
17          later on when I stepped back into it, I  
18          mean, they already were -- they already  
19          had that sort of as part of their -- how  
20          they would -- that was all part of their  
21          narrative, you know.

22       Q.   Could you explain that to me a little  
23           more. I'm not sure I understand what  
24           you're saying.

25       A.   They already were sort of including this

1 idea about, "Hey, what do we have for  
2 shelter beds?" that were available.

3 It really dates back to the  
4 governor's order where I think there  
5 was -- there was no displacement of people  
6 or demobilization unless there was  
7 adequate shelter space available, which  
8 many times there was.

9 But -- so I don't -- so I think that  
10 that was just sort of a common, shared  
11 conversation that everybody was really  
12 onboard with.

13 Q. Did you ever talk to anybody from the MPRB  
14 about checking shelter availability prior  
15 to the sweep of an encampment?

16 A. I don't recall. I think my primary  
17 concern with MPRB was on-the-ground action  
18 taken by officers, and how to sort of help  
19 street officers who didn't do outreach to  
20 understand, "Here's sort of your tool kit  
21 and how you're going to be most effective  
22 in gaining the largest measure of  
23 cooperation and goodwill from the people  
24 that we're having this discussion with."

25 Q. Did you put on any trainings for MPRB

1           officers?

2       A.   No, I didn't. I mean, I was at a couple  
3           of the briefings, and I just spoke my  
4           piece about, "Here's how I would do it,  
5           here's what has worked for me."

6           And it was a short few-minute thing  
7           up at the roll call, but I never did an  
8           organized training.

9       Q.   Did you ever see an MPRB officer engage in  
10           an action that kind of like went against  
11           the advice that you had given at a roll  
12           call?

13           MS. ENSLIN: Objection. Foundation,  
14           calls for speculation, incomplete  
15           hypothetical.

16       A.   Not that comes to mind.

17           It doesn't, you know, mean that I  
18           didn't sort of help steer people away  
19           from -- most of the things that bothered  
20           me were probably not things that I  
21           would -- they're lack of training  
22           generally, and lack of experience, like  
23           the way that they spoke to people, you  
24           know.

25           I had an affection for these

1 individuals, and that showed, I think.  
2 Not everybody felt that way. And it's not  
3 that they didn't care about them. They  
4 just -- that's a -- that's a skill that  
5 you sort of learn to express that; you  
6 know what I mean? And so those were the  
7 types of things.

8 If you're thinking that I witnessed,  
9 you know, some inappropriate behavior that  
10 would, you know, come to the level of  
11 being reportable or a policy violation, I  
12 never saw anything like that. So --

13 MS. STILLMAN: I'm going to be  
14 marking a document that's been  
15 Bates-stamped MINNEAPOLIS\_BERRY097169 as  
16 Exhibit 393.

17 (Deposition Exhibit No. 393 was  
18 introduced.)

19 BY MS. STILLMAN:

20 Q. If you just want to take a moment to  
21 review those emails.

22 A. (Reviewing document.)

23 Okay.

24 Q. On the bottom of that first page is an  
25 email from you to Inspector -- then

1 Inspector Amelia Huffman dated December  
2 10, 2020. And you say that you were just  
3 notified by Hennepin County that park  
4 police were clearing the mall this  
5 morning.

6 "I received no notification from  
7 Chief Ohotto on this, but wanted  
8 to let you know."

9 Do you know why you didn't receive  
10 notification from Chief Ohotto that the  
11 mall encampment was going to be swept?

12 A. I think that they -- at that point, this  
13 was December, I think they felt like they  
14 had what they needed, and they had -- he  
15 was certainly under no obligation to tell  
16 me; it was his.

17 I would have preferred to be told  
18 just because, you know, we were heirs  
19 apparent to whatever happened there, but  
20 that's not -- you know, they can do their  
21 own on their property. They don't have to  
22 check with me.

23 Q. Why did you want to let Amelia Huffman  
24 know?

25 A. Because then with people that were getting

1 displaced, they're more likely to spread  
2 to a variety of different locations.

3 Like we talked about the Lake of the  
4 Isles Dog Park. We already had some folks  
5 down there on the sidewalk issues. I was  
6 concerned about that.

7 There were a couple of closed  
8 buildings over on Girard between Lake and  
9 Lagoon that had like a -- almost like a  
10 veranda, and there were people that had  
11 been camping in there.

12 So I was really sort of worried about  
13 people expanding out into the business  
14 locations around there, and how we were  
15 going to deal with that.

16 As bad as encampments were for the  
17 community, camping on the sidewalk was way  
18 worse because it closes off pedestrian  
19 space, and it created some significant  
20 hazards. So I was trying to help her  
21 understand what was coming.

22 Q. And was the mall encampment in the fifth  
23 precinct territory?

24 A. Yeah, it was right there between Lagoon  
25 and the Greenway. Just right next to the

1 library on Hennepin and Lagoon.

2 Q. The next sentence you say:

3 "Hennepin county is going to be  
4 out there to attempt to discourage  
5 people from going into greenway."

6 How did you know that Hennepin County  
7 was going to be at the mall sweep to  
8 attempt to discourage people from going  
9 into the Greenway?

10 MS. MARTENSON: Objection to the  
11 extent it mischaracterizes evidence in the  
12 record.

13 A. I don't know. I don't know who told me.  
14 Clearly somebody from Hennepin County told  
15 me, whether it was David Hewitt or Don  
16 Ryan or someone. But I have no  
17 recollection where that came from.

18 BY MS. STILLMAN:

19 Q. Do you recall if any of the residents of  
20 the uptown mall encampment did end up  
21 going to live on the Greenway?

22 A. Eventually I think that they did. I know  
23 Aaron Sexton ended up down there. He was  
24 one of the residents of the mall.

25 There was another gentleman named



1 Pierre, I think was his name, and he ended  
2 up down on the Greenway, but it wasn't  
3 immediate. Somebody went down to the dog  
4 park and then down to the Greenway.

5 So eventually they did. I don't  
6 know. But it wasn't that day. I don't  
7 think that any of the displaced people  
8 that day ended up on the Greenway.

9 Q. And this sweep was in December. Earlier  
10 today, before lunch, I believe you said  
11 that it was your individual opinion that  
12 we shouldn't do closures when it's cold  
13 outside.

14 Do you remember that?

15 A. Yes.

16 Q. Why do you think that?

17 A. I mean, beyond what I've already responded  
18 earlier in this conversation? Or did you  
19 want me to reassert or basically reanswer  
20 that question?

21 We talked about why I didn't like  
22 closures in cold weather. I'm happy to  
23 restate. I just don't know if you were  
24 looking for something different.

25 Q. Yeah. I mean, I think --

1 A. It's hard on people. It's hard on their  
2 stuff. It's a concern obviously about  
3 frostbite, as you brought up.

4 It's difficult, you know, if you're  
5 trudging through snow to set up a tent in  
6 places like that versus setting it up  
7 before the snow falls.

8 Many of the places that would be  
9 desirable are probably already occupied,  
10 you know, and whether or not -- whatever  
11 the relationship is there, people may be  
12 reticent to get there.

13 I just worry about people that are  
14 trying to reestablish a camp during the  
15 winter months.

16 Q. You mentioned that shelter spaces, there  
17 is usually shelter beds available in the  
18 warmer months.

19 Do shelter beds fill up in colder  
20 months?

21 MS. ENSLIN: Objection. Foundation.

22 A. Yes, they do.

23 BY MS. STILLMAN:

24 Q. How do you know that?

25 A. I mean, from doing the work for quite a

1 while.

2 There was a period of time when I was  
3 very interested in sort of what the  
4 shelter -- you know, what that shelter  
5 landscape looked like, and so I was  
6 receiving daily emails about how many beds  
7 went unused the night before.

8 And it changed. You know, in the  
9 summer months, it would be 35 beds and --  
10 you know, 35 female beds and 20 male beds,  
11 or whatever. And the colder months, it  
12 would be all beds occupied, or five went  
13 unused, or something like that.

14 Q. Who were you getting those emails from?

15 A. Those came from Hennepin County.

16 Q. Do you remember who at Hennepin County?

17 A. I don't. I think actually it might have  
18 come from Danielle Werder. I can't recall  
19 exactly.

20 Q. Have you ever talked to anybody at  
21 Hennepin County about the fact that  
22 shelter beds fill up when it gets cold  
23 outside?

24 A. Yes.

25 Q. Who have you talked to?

1 A. Well, I mean, David Hewitt and I have had  
2 discussion about that. It's -- everybody  
3 knows it happens.

4 Q. And so he's aware that it happens; you've  
5 had a conversation with him?

6 MS. MARTENSON: Objection.  
7 Foundation, compound.

8 A. Yeah, I can't speak to what David is aware  
9 of, not aware of. We've discussed the  
10 relative lack of shelter beds during  
11 certain times of the year.

12 BY MS. STILLMAN:

13 Q. Do you remember anything he's told you  
14 during those conversations?

15 MS. ENSLIN: Objection. Vague.

16 A. No. I think -- I think that the general  
17 sense that I have of my conversation is  
18 that everybody has sort of a clear  
19 understanding -- everybody on the county  
20 MPD side has sort of a clear understanding  
21 of what the shelter landscape looks like,  
22 as opposed to many of our sort of  
23 community-based outreach or activist  
24 parties or partners who would have a  
25 different perspective, you know, about it.

1 But everybody that I dealt with with  
2 the City or the County kind of understood,  
3 knew what the exact numbers were.

4 BY MS. STILLMAN:

5 Q. And why do you think that differs from the  
6 community activists' perspective?

7 A. Because I think that they -- to me it  
8 feels like a propaganda mission, that  
9 there is -- there is sort of another  
10 talking point. Like, "I lost all my  
11 medication," "I lost all my personal  
12 property," "Police came in the middle of  
13 the night and dragged me out of the tent  
14 and threw me out and threw away all my  
15 stuff," and things that I don't --  
16 patently don't believe, you know, like  
17 that one.

18 There is no -- there is no reason why  
19 cops -- they didn't even want to go and  
20 deal with people that were in encampments,  
21 and so it's -- to me, it feels like  
22 another narrative that is not based in  
23 fact.

24 There may be elements of it or  
25 kernels of it that are true, but largely

1           what we hear from even people that are  
2           homeless -- and, you know, God bless them,  
3           but they tend to, like many of us would  
4           under certain circumstances -- would say  
5           things that would make their situation  
6           seem either more dire, or strengthen their  
7           position. Depends on what it was that  
8           they were saying.

9           So a big part of what we had to do  
10          was sort of tease through what was  
11          accurate and what was not accurate and  
12          what was said for the benefit of what  
13          media forum might pick up the story or the  
14          sound bite that might show up on Twitter  
15          or something like that.

16       Q.    Okay. So I'm still just -- I don't really  
17              understand what you're saying that the  
18              activists were saying about shelters.

19             Like were they saying that they were  
20             full? Were they saying -- what were they  
21             saying?

22       A.    I have no specific examples to give you,  
23              but I will tell you that the narrative  
24              that was coming out of the activist  
25              community was largely completely

1       inaccurate, and was not consistent  
2       with even what the people in the  
3       encampments would say.

4               And so that's my position on it. You  
5       can probably find examples both ways,  
6       where something that they said was  
7       accurate, but my experience has been,  
8       having been on the receiving end of,  
9       "Lieutenant Snyder" or "Sergeant Snyder  
10      was in this camp and did this, this, this  
11      and this," and I did none of those things.  
12      You know what I mean?

13              So -- the same day that they put my  
14      picture of my house on social media and  
15      painted "Grant Snyder is a fascist" on  
16      some sign down in the third precinct.

17              So I don't have an appreciation for  
18      the integrity or honesty of a lot of  
19      people that are in our activist community  
20      because my experience has been that they  
21      do not represent the truth when it comes  
22      to the experiences. And I only say that,  
23      and I don't say that lightly.

24              You have to remember all the time  
25      that I spent with the people out there.

1 I'm the first one that if I saw something  
2 that was fucked up, I would call it out.  
3 I would say, "These people are telling the  
4 truth."

5 If I found out that a cop dragged  
6 somebody out in the middle of the night,  
7 they would wear my boot in their ass  
8 because I just wouldn't allow that kind of  
9 crap, and I would go right to the chief  
10 for that. And I have had complaints  
11 against cops that I didn't feel -- nothing  
12 that serious, but that I didn't feel were  
13 being done correctly.

14 And, you know, like the whole thing  
15 about when I first started doing this,  
16 there were practices of patrol officers  
17 going in the middle of the night telling  
18 people to leave, and I put a stop to that  
19 immediately, you know. So...

20 Q. Have you ever called Adult Shelter  
21 Connect?

22 A. Yes, I have.

23 Q. Have you ever been told that there weren't  
24 available beds for a single man?

25 A. Well, no, because I was typically calling



1 for people. And they would say, you know,  
2 "This is how many we've got available, but  
3 they need to come down here and they need  
4 to do this" or "they need to do that."

5 It's not a very efficient system, and  
6 I understand that. I don't love it. I  
7 also don't feel like I have to defend it  
8 because it's not my system. And it's what  
9 we have to work with, but there's got to  
10 be a better way to do it, you know.

11 I would typically -- if I needed  
12 somebody to go someplace, I would make a  
13 phone call to Avivo Village, or I would  
14 make a phone call to St. Stephen's, or I  
15 would make a phone call to somebody  
16 directly and say, "Hey, I got somebody out  
17 here who really needs to get in."

18 So...

19 Q. Why would you call Avivo or St. Stephen's?

20 A. Because I had a relationship with people.

21 And if we, you know, had somebody that  
22 really needed to get in someplace or  
23 whatever, that's one less person that's  
24 going to be sleeping on the street.

25 That's especially true during bad

1 weather when we knew it was going to be  
2 super cold.

3 MS. STILLMAN: I'm going to a  
4 document that's previously been marked as  
5 Exhibit 187.

6 (Deposition Exhibit No. 187 was  
7 previously marked.)

8 BY MS. STILLMAN:

9 Q. Do you remember an encampment on the  
10 Nicollet Avenue Bridge deck in September  
11 of 2020?

12 A. I do.

13 Q. In Katie Topinka's email to Mark Ruff and  
14 Andrea Brennan at the bottom of the first  
15 page, she writes:

16 "They would like to clear the  
17 encampment. I have run this by  
18 our internal city staff working  
19 group (Grant Snyder - MPD, Noya  
20 Woodrich - Health and Bryan  
21 Dodds - Public Works) and everyone  
22 is comfortable with Hennepin  
23 County's plan as outlined below.  
24 I will communicate that back to  
25 Don Ryan."

1                   What information were you given by  
2                   Hennepin County about their plan to keep  
3                   clear the Nicollet Avenue Bridge  
4                   encampment?

5       A.   The only information I recall right now is  
6           just about the safety concerns on the  
7           bridge, that they wanted to clear it.   I  
8           was surprised when they were going to  
9           clear it because I didn't think it was  
10          that big of a deal, but they were -- they  
11          had safety concerns about the bridge, and  
12          that's all that I knew about.

13               MS. STILLMAN:   You can put that away.  
14               I'm going to go to an exhibit that's  
15               been previously been marked as 188.

16               (Deposition Exhibit No. 188 was  
17               previously marked.)

18       BY MS. STILLMAN:

19       Q.   So on that last page there is an email  
20           from Don Ryan to Joseph Gladke and Jessica  
21           Galatz.   He writes:

22                   HC Sheriffs are saying as (sic)  
23                   15 minutes ago that they want this  
24                   bridge cleared today and its  
25                   coming from high above - know

1 anything about this? They called  
2 Grant asking for his assistance.  
3 We have not even noticed the camp.  
4 Can either of you LMK?"

5 And then he leaves a phone number.

6 Do you remember being called by the  
7 Hennepin County Sheriff's Office asking  
8 for assistance clearing the Nicollet  
9 Avenue Bridge encampment?

10 A. I do. I don't recall who called me, but I  
11 remember being called.

12 Q. Do you remember if you cleared the  
13 encampment that day?

14 A. I don't. And I don't think I had anything  
15 to do with it because I think that my --  
16 that was -- my call to Don Ryan which  
17 preempted this email was, "Hey, we haven't  
18 even noticed this camp yet. What's going  
19 on?"

20 And it was an issue of  
21 miscommunication; that Hennepin County  
22 Sheriff's Office had the correct  
23 intention, they just -- this is again what  
24 happens when you don't have somebody who  
25 is used to doing that work. They -- it

1           was they thought that that had already  
2           been taken care of.

3                       So it was -- but I'm -- I don't  
4           recall whether they actually went through  
5           with it. My recollection is that they  
6           waved off, but --

7   Q.   Was there a deputy at the Hennepin County  
8           Sheriff's Office that you normally spoke  
9           with?

10   A.   I really didn't, because we didn't really  
11           have a lot of communication with Hennepin  
12           County. They weren't really very involved  
13           in this except in rare situations.

14                       And most of the time, they -- you  
15           know, even though I had a number of  
16           conversations with Sheriff Hutchinson  
17           about it, they did their own thing, you  
18           know. And not that they did it  
19           incorrectly; they just didn't -- it was  
20           different than Ohotto, who would  
21           communicate with me because he wanted that  
22           connection.

23                       I think that they had their own plan  
24           and that they didn't have to deal with the  
25           volume like the parks did, and their

1           encampments were lower level. And they  
2           just seemed to be comfortable with how  
3           they did it.

4                   And I can't speak to that because I  
5           don't know what their procedure was. I  
6           just know about this one.

7   Q.   You said you spoke with former Sheriff  
8           Hutchinson. Did you speak to former  
9           Sheriff Hutchinson ever about homeless  
10          encampments?

11   A.   Yes.

12   Q.   What did you talk to him about?

13   A.   I mean, he and I were friends, so he  
14          would check in with me about my thoughts  
15          about this or that or whatever. I don't  
16          remember specific conversations; I just  
17          know that we discussed it.

18                  When I was in D.C. with him at some  
19          event during all of this, I was still  
20          doing the work, so we had conversations  
21          about that.

22   Q.   Did you have conversations about best  
23          practices?

24   A.   I don't remember a specific conversation  
25          about that.

1 I think -- I think more of the  
2 discussion was about, you know, sort of  
3 our role, law enforcement's role in  
4 encampments. And my job as an MPD officer  
5 was very unique among agencies because I  
6 was dedicated to the homeless. That's  
7 what I did. That was my role. And other  
8 departments, except for the HAT team with  
9 transit, really didn't have that, you  
10 know. And so there was -- nor did they  
11 seem like they wanted to. And so those  
12 were conversations we had.

13 Q. What in your view is law enforcement's  
14 role with regard to encampments?

15 A. That's a really long answer, and I'm -- so  
16 cut me off when you don't want to hear any  
17 more.

18 But law enforcement will always be  
19 involved with people that are camping and  
20 people that are outside, either from sort  
21 of the role of trying to find out, "Are  
22 you -- do you need some services?" out of  
23 genuine concern for their safety, which  
24 should always be an issue; their mental  
25 health, are there things that other

1       partners -- because MPD doesn't provide  
2       shelter, we don't provide chemical  
3       dependency counseling, we don't provide  
4       mental health care -- you know, are  
5       there -- but other people that we work  
6       with do, right?

7               And so there is that dimension to our  
8       interaction. Then there is the dimension  
9       to we will have interaction with the  
10      homeless because part of -- one of the  
11      comorbidities that goes along with  
12      homelessness is chemical dependency  
13      issues, as we talked about, and  
14      unfortunately some crime-related stuff  
15      that we're going to have interactions  
16      with.

17             My concern is this is such a unique  
18      population, because of all the things  
19      going on, that it requires a nuanced  
20      approach to how we deal with that.

21             Some crimes are so significant that  
22      we have no choice but to make arrests.  
23      But like I already told you, I would walk  
24      into tents throughout the city and people  
25      would be shooting heroin, and when I first



1 started interacting with them, they would  
2 try and hide it. But then they realized,  
3 "Well, Sarge isn't going to arrest us,"  
4 and -- because it wouldn't have helped  
5 anything, right? You know, I need to make  
6 sure that there was Narcan available,  
7 because this is when fentanyl was kicking  
8 off, and, you know, some of the ODs that  
9 happened, and stuff like that.

10 So law enforcement's role is, I  
11 believe, this sort of guardian to the  
12 people that are most vulnerable, and we  
13 always should be like that. Sometimes  
14 that guardian means doing things -- taking  
15 that guardian role means doing things that  
16 they might not necessarily think is great,  
17 and that means sometimes displacing it  
18 (sic).

19 There are camps -- there were people  
20 that I had to move because they were in a  
21 snow wake zone, when a plow hitting a big  
22 bank of newly fallen snow at 50 miles per  
23 hour and throwing, you know, a couple tons  
24 of snow on top of their tent would have  
25 killed people, right? So that's a

1 concern.

2 Obviously there were huge concerns  
3 around the safety of encampments, right?  
4 And we had massive worry about the safety  
5 of people, women, kids, different things  
6 like that.

7 So there is that. That process of  
8 displacing people wasn't done because we  
9 don't like the way that homelessness  
10 looks. Okay? It's not that, you know,  
11 we're trying to put our thumb on people  
12 who are already struggling. It's that,  
13 unfortunately, encampments delay people  
14 from getting the help that they need in  
15 many cases.

16 That's not just me saying that; it's  
17 many of the people that have worked for  
18 much longer than I had with folks that are  
19 in homeless encampments: John Tribbitt,  
20 Emily Bastion, David Hewitt, Mike Goze of  
21 the AICDC, Autumn Dilly, Jenny Borgo.

22 You know, I can go and on and on and  
23 on of people we all -- none of whom were  
24 police officers, but all of us sort of  
25 shared this same idea, that people

1 sleeping outside is not a good thing,  
2 unless you're camping at a campground and  
3 there is a start to it and an end to it.

4 I mean, these were not utopian places  
5 for people. So law enforcement will  
6 always be involved in that.

7 So when you have a social worker,  
8 like we've tried now with our homeless  
9 navigator people, they're ineffective.  
10 They walk into a camp and go, "Well, we  
11 have to close this encampment next  
12 Tuesday, and you're going to have to go."  
13 And they just, "Okay," and they don't go  
14 anywhere.

15 So really the only people that, if  
16 you have to close an encampment, they  
17 listen to are the police. So we are  
18 always going to have an involvement.

19 Law enforcement should be doing  
20 things to build a relationship with people  
21 so when that day comes, number one, you  
22 know the people. If you've talked to  
23 somebody and brought them water and food  
24 and socks for the last two months, and you  
25 know what their struggle is, you can go to

1       that person and legitimately say, "Hey,  
2       you know, we need to close this camp. Can  
3       you move someplace else? Maybe now is the  
4       time to, you know, follow up on that  
5       housing referral," or something like that,  
6       "or get you into shelter."

7               That's a much more comfortable and  
8       respectful conversation than the first  
9       time you've ever met that person, showing  
10      up and going, "Hey, you don't know me, but  
11      I'm Officer So-and-So; you need to leave."

12             So I think that that outreach role is  
13      missed. Even in its current staffing,  
14      Troy's job really is not that.

15             My job, I could have done my job  
16      without a gun or without any kind of  
17      police mark -- well, I take that back.  
18      Police markings were important because  
19      they knew who I was. But I never really  
20      felt like I needed -- I mean, I never had  
21      to arrest anybody when I was out there  
22      doing that work.

23             And I think that that relationship  
24      building stuff is missed, and law  
25      enforcement has a unique role in that

1 space.

2 Now, that's not a popular position,  
3 and the City Council was very quick to  
4 eliminate -- after I got promoted, they  
5 didn't want -- they didn't want to kick me  
6 out because they all knew me, but they  
7 didn't want law enforcement in there. And  
8 so we've lost something in not doing that.

9 So I think law enforcement has a  
10 whole bunch of different things that we  
11 should be doing, the least of which is  
12 enforcement, if at all.

13 Sorry for the soap-boxie thing.

14 Q. I appreciate your answer.

15 MS. ENSLIN: We've been going for  
16 about an hour. So whenever you're at a  
17 good breaking point, we'd like to take  
18 like a five-minute break.

19 MS. STILLMAN: We can take a  
20 five-minute break now.

21 (Break taken.)

22 MS. STILLMAN: I am going to be  
23 marking a document that's been  
24 Bates-stamped HC00014972 as Exhibit 394.

25 (Deposition Exhibit No. 394 was

1 introduced.)

2 THE WITNESS: Thank you.

3 MS. STILLMAN: And a document that's  
4 been Bates-stamped HC00014973 as Exhibit  
5 395.

6 (Deposition Exhibit No. 395 was  
7 introduced.)

8 BY MS. STILLMAN:

9 Q. And I apologize, Commander Snyder. It  
10 looks like they did not print that  
11 single-sided for me, so Exhibit 395 is a  
12 double-sided page.

13 Wait. No, they did. Here's the  
14 single-sided one for you. I can trade.

15 A. Thank you.

16 Q. Then if you just want to let me know when  
17 you've reviewed that document.

18 A. (Reviewing document.)

19 Q. So Exhibit 394 is an email to you from  
20 Felicia Chesmer --

21 A. No. From me to.

22 Q. From you to Felicia --

23 A. Yep.

24 Q. -- dated November 17th, 2020.

25 Who is Felicia Chesmer?

1 A. I think she's a Hennepin County deputy  
2 maybe. I don't really know.

3 Q. Why were you sending her an encampment  
4 demobilization strategy?

5 A. I have no idea, other than I can assess  
6 that they probably requested one. I  
7 didn't just send this stuff out without  
8 people wanting it, you know.

9 So I'm assuming that someone in  
10 Hennepin County asked me to forward this  
11 to Felicia, whether it's Felicia or  
12 Sheriff Hutchinson or whoever.

13 Q. And you sent this encampment  
14 demobilization strategy approximately one  
15 month before the December 18, 2020  
16 Greenway sweep, correct?

17 A. I don't remember the date. You just said  
18 it. I'm assuming you're correct in that.  
19 And I can read that this is sent on the  
20 17th of November, so --

21 Q. When did you learn that Hennepin County  
22 was going to be sweeping the Greenway?

23 A. I don't have that. I don't know.

24 Q. Did you ever discuss encampment  
25 demobilization strategies with Hennepin

1 County employees?

2 A. I did.

3 Q. Which employees?

4 A. Well, I mean -- okay.

5 So I've had several conversations  
6 with, as I already mentioned, David  
7 Hewitt, Danielle Werder, Don Ryan, people  
8 that worked with Hennepin County.

9 I had conversations with people at  
10 the sheriff's office. I -- most -- one  
11 that I recall most clearly is  
12 conversations with Sheriff Hutchinson,  
13 like we've already discussed a little bit.

14 And then, in general, I've had  
15 conversations with Hennepin County Child  
16 Protection about when there were kids in  
17 encampments, and that sort of thing.

18 And the content of that conversation  
19 varied depending upon who I was speaking  
20 with. You know, some of -- like the ones  
21 with Sheriff Hutchinson would have been  
22 more of the nature of who -- I'm sorry --  
23 the logistics of dealing with encampments,  
24 and maybe some of the best practices.

25 My conversations with sort of more of



1 the steering group or the working group,  
2 Danielle and David and Don Ryan, would  
3 have been about sort of the conditions of  
4 encampments in general, and, you know,  
5 what we think about that.

6 You know, we were -- we were  
7 navigating at those -- back at those times  
8 we were navigating, trying to sort of  
9 figure out ourselves what to do about  
10 encampments, what we thought about it. We  
11 were dealing with the governor's order  
12 that basically prohibited, except under  
13 certain circumstances, closures, and yet  
14 we were faced with this -- this sort of  
15 shocking reality about encampments  
16 themselves, and what they were, and the  
17 nature of --

18 You know, I would go into  
19 encampments -- again, I've expressed this  
20 before, go into encampments where a single  
21 tent, there were hundreds and hundreds of  
22 needles, there was feces, there was --  
23 everything was destroyed.

24 These were not utopian environments  
25 for people. And I related that

1 information because I was more closely  
2 involved to those encampments than many of  
3 the people that I was speaking with, you  
4 know.

5 And there was -- in the early stages  
6 of our approach, there was questions  
7 about, "What is it like in the  
8 encampments?"

9 Everybody knew that encampments were  
10 unfit for people to live in for a whole  
11 variety of different reasons. There were  
12 concerns about MRSA and Hep C and A and B  
13 and all the other things that were going  
14 on.

15 And the criminal activity. I mean, I  
16 was approached regularly by people in  
17 encampments saying, "This camp needs to be  
18 closed because so-and-so has moved into  
19 that tent down the way and he's exploiting  
20 or making us pay \$35 a day if we want to  
21 stay here," and things like that.

22 So a lot of the conversations we had  
23 in these early days of this back in 2018,  
24 2019, 2020 was sort of dealing with all  
25 the stuff we were hearing, and trying to

1 cast an accurate light about the horrible  
2 nature of encampment living.

3 Q. So you talked a lot about the horrible  
4 nature of encampment living. In these  
5 conversations, did you also talk about the  
6 rights of homeless individuals?

7 A. We talked about the rights of people all  
8 the time.

9 Q. What did you -- what do you think are some  
10 of the rights that homeless people have?

11 MS. ENSLIN: Objection. Calls for a  
12 legal conclusion.

13 A. Yeah, I don't -- I mean, my personal view  
14 and my view as a police officer, what I've  
15 sort of guided -- I mean, I believe that  
16 regardless of whether or not a person is  
17 homeless or sleeps in a house or is  
18 renting an apartment, they all are  
19 entitled to the same constitutional  
20 rights.

21 And to the extent that we treated  
22 their tent as their home -- and, for  
23 example, if I was investigating a crime --  
24 and I told this to several people -- you  
25 have to get a search warrant for that.

1 That's a Fourth Amendment protection,  
2 right to be protected against unreasonable  
3 search and seizures.

4 Now, that's a difference when you're  
5 on somebody else's private property and  
6 you're occupying that. You have no  
7 expectation of privacy when you put up a  
8 tent on someone else's property. That's a  
9 different story.

10 But I -- generally speaking, I mean,  
11 the rights of people in encampments are  
12 the same rights that I would expect  
13 against unreasonable search and seizures,  
14 the right to be safe, which most of the  
15 people in the encampments were not  
16 experiencing.

17 These weren't communities in that  
18 sense. These people -- these were places  
19 where people had to go because other  
20 preferred alternatives weren't presenting  
21 themselves.

22 That doesn't mean there weren't other  
23 alternatives, but, you know, this wasn't a  
24 choice that they were making out of a  
25 whole range of great opportunities, you

1 know. And so I think that their rights --  
2 they had the right to be treated with  
3 dignity. They had the right to be treated  
4 compassionately. I can go on and on.

5 Q. Did the people you spoke with at the  
6 County agree with you on that?

7 A. Everybody agreed that encampments were not  
8 utopian environments where people -- we  
9 didn't want anybody having to live in  
10 encampments. They were terrible. And the  
11 environment was horrible. The reality of  
12 encampment living was horrible.

13 So we all agreed on that. Everybody  
14 agreed on the rights of people about being  
15 protected against unreasonable search and  
16 seizure, about the rights of, to the  
17 extent that we could, protecting their  
18 property, and protecting their dignity,  
19 and things like that.

20 The problem is, is that there are  
21 some bad things about homelessness, that  
22 you can't possibly mitigate all of them.  
23 And there are things we can't make more  
24 appealing, right?

25 Like people may not want to go to a

1           shelter, but that doesn't mean that  
2           shelter is not better than what they're  
3           doing at that point.

4                   And so, you know, there was a whole  
5           bunch of conversation around that, and  
6           about -- and we all sort of came to the  
7           same conclusion that the shelter system  
8           isn't perfect, access to it isn't perfect,  
9           the environments aren't perfect, but it's  
10          better than having people sleep outside.

11       Q.   Do you believe you're in a better position  
12            than the person residing in a homeless  
13            encampment to determine if a shelter is a  
14            better option for them?

15       A.   In some cases I do.

16       Q.   In every case?

17       A.   I wouldn't say in every case because I  
18            don't know. Every case hasn't been  
19            presented to me.

20                   But if a person says to me, "I'd  
21           rather sleep out here than be in a  
22           shelter," I don't disagree with that. I  
23           don't disagree that that's their  
24           preference.

25                   But when I put together all of the

1 pieces of that equation, and all of the  
2 horrible things that happen to people in  
3 encampments -- and, yes, you might get  
4 your shoes stolen in a shelter. There is  
5 a possibility that you could be assaulted.  
6 But those things happen with such  
7 regularity at encampments that -- at least  
8 in the shelter there was protections  
9 against that, and the amount of violence  
10 and the amount of drug use.

11 I mean, there was a thousand reasons  
12 why people didn't want to go to shelter,  
13 and, frankly, the majority of them had  
14 nothing to do with, "I don't want to sleep  
15 with a bunch of other people in the same  
16 room." There were things like, you know,  
17 they have rules there; that, "I want to  
18 come and go. I want to be up all night.  
19 I can't go there when I'm high," or, "I  
20 can't use there." I mean, there is a  
21 bunch of reasons why people would make  
22 that decision.

23 And so I feel comfortable as a person  
24 who has been in such close proximity with  
25 folks -- and I've even had them tell me

1           that, that they wouldn't choose to go to  
2           shelter, but they understand why it's a  
3           better place for them than sleeping  
4           outside.

5           So...

6       Q.   Do you still agree with the best practices  
7           you set forth in this encampment  
8           demobilization strategy that you sent to  
9           Felicia in November of 2020?

10      A.   In general, I think everything on here is  
11           probably a good idea. I don't think  
12           that -- what this lacks is this lacks the  
13           experience that I have today.

14                   And it lacks the experience of the  
15           significance of violent activism and what  
16           that did. That changed everything about  
17           our approach to encampments and how we  
18           closed them. And that was a reality that  
19           we had to deal with. It sucked.

20                   I've had that conversation with many  
21           people in the city enterprise, that we  
22           wanted to get back to the point where we  
23           were giving adequate notice and all those  
24           things. But, you know -- so that's one  
25           piece of this.



1           In general, the rest of this I think  
2           is sound. There may be specific, you  
3           know, individual things in here, if you  
4           ask me about it, I can tell you whether or  
5           not my thinking on that has changed or  
6           evolved.

7       Q. Has your thinking on -- so under that  
8           second paragraph, there is a new list.

9           Has your thinking changed on point  
10          number 1?

11       A. "People in an encampment must be  
12           identified prior to  
13           demobilization"?

14       Q. Yes.

15       A. So I'd soften that a little bit. I think  
16           it's still a best practices if we can  
17           identify people that we should, so that we  
18           know -- and a part of that is a nod to our  
19           service providers who have contact and  
20           whatnot.

21           But, you know, the reality of it  
22           is -- and this comes directly from the  
23           mouths of people both in the encampment  
24           and the service providers -- getting  
25           people into housing right out of

1        encampments is almost impossible. It  
2        almost never happens. There is too many  
3        barriers in the way.

4            And when they do get placed, they  
5        almost never succeed. There is a  
6        trajectory that happens once they accept  
7        some other placement as an interim and  
8        then move into -- you know, they can  
9        stabilize a little bit and then move into  
10       housing.

11           So I think that I would soften the  
12       way that I say that rather than "must." I  
13       still think that knowing people, and  
14       knowing who they are, even for the benefit  
15       of a relationship, is always a best  
16       practice. But I wouldn't say that you  
17       would delay closure of a problematic  
18       encampment simply because we weren't able  
19       to do that.

20           I mean, what do you do if somebody  
21       won't identify themselves? We're not  
22       going to force that. And, you know,  
23       social workers and some of the service  
24       providers are very reticent to share that  
25       information.

1 Q. Would you make any changes to number 2?

2 A. No. I think that's a fair statement.

3 "Steps should be taken in the  
4 planning and execution of a  
5 demobilization to protect  
6 individual property."

7 Again, if possible.

8 I think that all of these are good  
9 general guidelines and practices, but  
10 they're not always possible.

11 Q. What about 3?

12 A. "Alternate (sic) solutions for occupying  
13 an encampment should be given if  
14 possible, and then as early as  
15 possible. Most people --"

16 (Court reporter interruption.)

17 THE WITNESS: I apologize. I can  
18 just read quietly and then you don't have  
19 to worry about that.

20 A. Yeah, I think I would change that one. I  
21 think that still, if we can, offering  
22 whatever available shelter. And in  
23 general, you know, shelter is pretty much  
24 available.

25 But I don't think that today I would

1 be as amenable to saying, "Oh well, let's  
2 put your tent over here if you don't want  
3 to go into shelter." I think that the  
4 drive really has to be to really get  
5 people off the street. That's when they  
6 start to stabilize. That's when they  
7 start to get better and stuff like that.

8 So I think I would soften on that  
9 one.

10 BY MS. STILLMAN:

11 Q. What about number 4?

12 A. Advance notice should always be given. I  
13 mean, again, I believe that to be a true  
14 statement. I believe we should always  
15 give advance notice.

16 The problem is that when I have city  
17 staff being attacked and -- when we show  
18 up to demobilize an encampment that's been  
19 noticed for a week, and we're dealing with  
20 people throwing ice balls or frozen water  
21 bottles and bricks, that changes how they  
22 would -- I would go about that. And that  
23 would be a circumstance where we probably  
24 wouldn't want to give advance notice.

25 It doesn't sit well with me. I

1           simply know of no other good way to deal  
2           with that, because the people in the  
3           encampment are paying for the actions of  
4           other people.

5       Q.   What about number 5?

6       A.   Yeah, I believe -- I think that's a good  
7           idea.

8       Q.   6?

9       A.   Yep, I think that's good.

10      Q.   7?

11      A.   Except in rare circumstances, yes.

12      Q.   What about 8?

13      A.   Yeah, I agree with it. I don't know that  
14           it's always possible, but if we can, we  
15           want to try and identify people's  
16           property. It's -- sometimes it's  
17           impossible to do.

18      Q.   Why is it sometimes impossible to do?

19      A.   Well, because if nobody knows where they  
20           are or who was there, or if you're -- you  
21           know, if somebody is clearing an area  
22           where there is a tent and it's off to a  
23           distance and they don't know who is  
24           staying in it, I mean --

25      Q.   What about point number 9?

1 A. Yes, except in rare situations.

2 Q. And what are the rare situations that you  
3 think would be the exception to number 9  
4 generally?

5 A. Well, if we have people that -- I mean,  
6 generally I would love to allow everybody  
7 to be able to come in and help. And like  
8 what happened at the Wall, that worked  
9 really, really well. At 14th that worked  
10 well.

11 But then after Powderhorn East, where  
12 people started, you know, "We're going to  
13 make our last stand here," it became  
14 problematic to bring other people that  
15 weren't part of the encampment into the  
16 encampment.

17 But I would -- you know, there are  
18 still people that need help and -- you  
19 know, getting their stuff packed up and  
20 getting them out of there. If we can get  
21 collaboration with people that that's what  
22 they're doing, it helped move things  
23 along, and it helped people get the  
24 support they needed.

25 Q. And then what about 10?

1 A. Yeah, I think that's a perfect strategy,  
2 if you can get people that are part of our  
3 service provider team to actually do it.

4 Q. You can put that away.

5 So earlier -- well, I guess I just  
6 want to clarify something really quickly.

7 So this morning we went through  
8 document 156, which was the chronology of  
9 encampment sweeps.

10 Do you remember that document?

11 A. I do. It's right here.

12 Q. And we went through the list, and when we  
13 got to the Greenway on December 18, 2020,  
14 you made a comment about how you told  
15 people to leave the Greenway on multiple  
16 occasions.

17 A. I don't know if it was around that date,  
18 though. I mean, I routinely told people,  
19 "You may want to move off the Greenway  
20 because I'm hearing that they're going to  
21 come through."

22 They had -- we were in close  
23 communication with Aaron -- I can't  
24 remember what his name was, but he worked  
25 for Tree Trust, and they were the ones

1           that were responsible for trimming all the  
2           trees and cleaning the Greenway and  
3           everything like that.

4           But he would routinely say, "We're  
5           doing this," or, "We're doing that,"  
6           "We're going to come through and people  
7           are going to have to leave." So I would  
8           try and give people a heads-up.

9           That wasn't -- that wasn't me saying,  
10          "I'm making you leave." That was me  
11          offering information that I thought would  
12          help make it less likely that they would  
13          lose their stuff, like if Hennepin County,  
14          or somebody, or Tree Trust came through  
15          and found a tent that was unoccupied and  
16          cleaned the stuff out, you know.

17          I mean, they posted it, too, but I  
18          tried to do my part to try to make sure  
19          people understood that was a reality.

20       Q.   When did you start doing that?

21       A.   When did I start doing what?

22       Q.   Going along the Greenway and trying to --

23       A.   The first day that I started -- on April  
24           1st of 2018, I started -- the Greenway was  
25           always a popular area for camping. And I



1 provided a lot of outreach down there, and  
2 support, and tried to monitor where people  
3 were, and if they moved, where they went.

4 Q. Do you know if people still stay on the  
5 Greenway?

6 A. I haven't been down there in a long time,  
7 so I don't know. I suspect they do.

8 Q. Were you -- and, again, just because I  
9 don't think we confirmed this earlier,  
10 were you at the closure of the Greenway on  
11 December 18 of 2020?

12 A. I don't think so. I don't recall that.  
13 It's possible, but I don't recall it.

14 Q. Do you recall talking to anybody from  
15 Hennepin County about that encampment  
16 closure?

17 A. No, but that doesn't mean I didn't. Just  
18 means I don't recall.

19 Q. Absolutely.

20 Could you go back to Exhibit 393 for  
21 a second.

22 A. Can you kind of tell me what it is?

23 Q. Yeah. It's an email from the -- heading  
24 is an email from you to Amelia Huffman,  
25 "Subject Uptown mall," dated December 10,

1           2020.

2       A.    Okay.

3       Q.    And just let me know when you've got it.

4       A.    I've got it.

5       Q.    Okay.   And in that top paragraph, you  
6           write, starting in the second sentence:

7                    "To be honest I dont know how  
8                    much impact indoor village is  
9                    going to have for those sleeping  
10                   outside in Minneapolis.   Those  
11                   hundred beds are going to go  
12                   pretty fast.   Currently Avivo has  
13                   about 60 to 80 people in their  
14                   hotels and their intention has  
15                   always been to offer those  
16                   placements to the hotel people  
17                   first because the hotels will be  
18                   closing when indoor village opens  
19                   up on December 20.   So despite how  
20                   this has been marketed for funding  
21                   it's really not adding additional  
22                   shelter."

23                   Do you see that?

24       A.    I do.

25       Q.    What were the Avivo hotels?

1 A. So Avivo set up -- I know of one hotel.

2 It was up in Coon Rapids. And I want to  
3 say they had like 60, maybe a few more,  
4 people that were up there, and it was  
5 during that period of time.

6 I don't know if Avivo had a secondary  
7 hotel. They may have. But I know of the  
8 one in Coon Rapids.

9 Likewise St. Stephen's had one down  
10 in Bloomington where they were doing --  
11 and the reason why they did that was  
12 because, if you remember, during COVID  
13 they thinned out shelter space, right?  
14 They went to like half capacity.

15 So people ended up going to -- there  
16 is hotel -- I think the Millenium was  
17 opened during that period of time, run by  
18 Hennepin County, maybe, and Avivo Hotel up  
19 in Coon Rapids, and there was one in  
20 Brooklyn Park. I can't remember who ran  
21 that one. That was MIWRC.

22 And then the Bloomington site --  
23 there was actually two. They were run by  
24 St. Stephen's.

25 So that's -- that was the purpose

1           behind that. It was in response to COVID,  
2           and what are we going to do about people,  
3           you know, and providing additional spaces  
4           for people that couldn't be in shelter  
5           because they had less capacity. And  
6           that's what that was about.

7           The nature of the email was then  
8           Inspector Huffman trying to understand how  
9           this was going to impact, you know,  
10          because they heard, oh, a hundred new  
11          shelter beds, right? And that's true, but  
12          they were filling -- they were also  
13          filling a gap.

14          So I wasn't being pessimistic as much  
15          as I was trying to manage expectations at  
16          that point.

17          Now, the reality and what you don't  
18          see in this email is that since then,  
19          Avivo has had a massive impact because  
20          they're so effective at getting people  
21          from shelter into housing. But that's  
22          their -- that exactly proves the point  
23          about it's so difficult to get people to  
24          go from encampment with no stabilization,  
25          no supportive services, and be effective

1 or be successful in housing.

2 And Avivo does it very, very well.

3 They've turned over their population  
4 several times just because of how quickly  
5 they get them placed and how effective  
6 they are in getting them to be successful  
7 in housing. So...

8 Q. Do you know if Avivo had criteria for who  
9 was eligible to stay in their hotel?

10 A. I don't know that. I know they probably  
11 had some way of doing it. I think Emily  
12 and I talked about it at some point, but I  
13 don't remember what she said.

14 Q. Do you know if St. Stephen's had  
15 eligibility requirements for --

16 A. I think their priority was to the people  
17 that came out of their shelters, so --  
18 because they had to thin them.

19 Q. And what about the MIWRC shelter?

20 A. I think that was -- that was --

21 Q. Or hotel. I'm sorry.

22 A. Yeah, I think that was people from the  
23 street. I don't recall because I really  
24 didn't have a whole lot to do with them.  
25 But I know MIWRC, and I know all the

1 people that were involved in it, so...

2 Q. All right. Thank you. You can put that  
3 document away, again.

4 So I want to ask a few questions  
5 about the 2313-13th Avenue South  
6 encampment that was closed in September of  
7 2020.

8 A. Yes.

9 Q. Do you remember what date that encampment  
10 was closed?

11 A. Do I remember what date?

12 Q. Yes.

13 A. I thought -- oh, it just says September  
14 2020.

15 No, I don't know which date.

16 Q. Were you involved in the decision to close  
17 that encampment?

18 A. I was.

19 Q. Who else was involved in that decision?

20 A. I don't recall.

21 Q. Do you remember why?

22 A. Oh, I do know. I apologize.

23 Andrea Brennan, because it was a CPED  
24 property; it was a lot. So it would have  
25 been Andrea Brennan. I don't -- I mean,

1 she was the one that was probably most  
2 directly involved with the decision to  
3 close it.

4 There were other people that were a  
5 part of that discussion, you know, like  
6 Dave from solid waste, Dave Herberholz,  
7 and some other people, and Noya Woodrich  
8 from Health.

9 Q. In the week prior to that encampment  
10 closure, did the City notify the  
11 encampment residents that the encampment  
12 would be closed?

13 A. I don't remember how much notification  
14 they got, but they did get notification.

15 Q. Do you know if it was in writing?

16 A. Again, I think so, but I don't recall. I  
17 believe that, yeah, we passed out flyers  
18 there, and I think we also posted it on  
19 the fence that was put up around there.

20 Q. Did the notice include a specific date?

21 A. I don't recall that. But that's an  
22 encampment that was very active. Like  
23 multiple times a day, we had a lot --  
24 there was a lot of drug activity. There  
25 was a lot of intercamp fighting in that

1           one.

2                   There was -- we ended up with several  
3           shots-fired calls inside the encampment,  
4           and a carjacked vehicle that ended up down  
5           there and stuff.

6                   And so that was really a priority  
7           encampment where I spent a ton of time,  
8           and talked real openly with all the people  
9           that were there.

10                   So, you know, I gave them notice  
11           myself many times. I don't remember how  
12           that date was expressed, but it was not a  
13           secret that it was happening.

14       Q.   Do you recall how large the encampment was  
15           when it was closed?

16       A.   I mean, that was a whole city -- square  
17           city block pretty much, you know, and --  
18           or part of a city block. And so it was  
19           pretty dense at the end. I don't know.  
20           It would be a guesstimate, but maybe in  
21           the 30 to 40 tent range, I would guess.

22       Q.   So you say "30 to 40 tent range." Does  
23           that also include -- is that also your  
24           guesstimate of how many residents there  
25           were? Because I don't know -- tent



1 doesn't always equal to number of people.

2 A. No. Usually my calculation was always 1.3  
3 times, you know, because that accommodates  
4 for some tents have two people in them.  
5 Many tents had one. Some had none because  
6 they were storage tents and things like  
7 that. So 1.3 seemed about right.

8 So if you had 30 tents, it was  
9 probably more like 40 residents. But then  
10 look at -- look at Hiawatha, right? 217  
11 tents, and there was -- there was  
12 two-thirds of that in the encampment  
13 because there were so many storage tents  
14 there.

15 Q. Do you remember how long that encampment  
16 was active?

17 A. No, I don't.

18 Q. Do you think it was more than a month?

19 A. Oh, yeah.

20 Q. More than two months?

21 A. I think so. I think that encampment  
22 started -- I'm trying to remember.

23 Oh, you know what, that encampment  
24 started -- so there were basically two  
25 times that the Wall was closed, right?

1 Q. Yes.

2 A. And that started after the second closure  
3 of the Wall. And people went to 25th and  
4 Bloomington, and then they sort of got  
5 pushed out of there by the owner of that  
6 store. And then they came -- because they  
7 were all the way down the block. Then  
8 they came over -- many of them came over  
9 to that encampment, to the one on 13th.

10 That's my recollection.

11 Q. The second closure of the Wall, you're  
12 talking about in 2020, correct, when you  
13 say that?

14 A. Yeah, and it was nothing like the first.  
15 But you remember that they went back in,  
16 and -- KG started that one, cut the fence  
17 and stuff like that.

18 Q. And I don't know if this will refresh your  
19 recollection at all, but I think that the  
20 Wall of Forgotten Natives encampment in  
21 2020 was closed in early September.

22 A. Yep.

23 Q. So -- and if 2313 13th Avenue South was  
24 closed in September, it would be less than  
25 a month?

1 A. No. That -- I'm sorry. Then maybe I'm  
2 mistaken.

3 Maybe they went from 25th and Bloom  
4 over to the Wall, and some of them  
5 filtered over there. But there was a  
6 closure of another encampment that filled  
7 that one, and I'm trying -- I don't  
8 remember which one it is, if that's -- my  
9 timing is off, so --

10 Q. Not a problem. I just -- I know it was  
11 two and a half years ago.

12 Do you recall what other city  
13 employees were at the 2313 encampment  
14 closure?

15 A. Myself. I think Elfric was there, but I  
16 don't recall that for sure. Somebody from  
17 CPED would have been there.

18 There was -- somebody from solid  
19 waste was there, or peoples. I remember  
20 Jason, I can't remember what his last name  
21 is, but he was one of the solid waste  
22 drivers. I specifically remember him.

23 And then I think Denny -- what is  
24 Denny's last name? I can look it up on my  
25 phone. He's in charge of bridges. His

1 crew was there because they're the ones  
2 with the skid loaders and stuff like that.

3 Q. What is "bridges"?

4 A. The bridges department.

5 Q. Is that a city department?

6 A. Denny Thorson.

7 Yeah, it is. Yeah, they're in charge  
8 of all the bridges.

9 Q. Sorry.

10 A. That's all right.

11 Q. Is there a bridge near that encampment?

12 A. No, but they were -- they were the ones  
13 that had all the really heavy-duty  
14 equipment and stuff like that. So they  
15 were participants.

16 And, honestly, I can't tell you for  
17 sure that he was there. He may not have  
18 been. Because I remember the guy that  
19 drives the skid loader for -- the one I  
20 thought was Denny, the guy, he was  
21 actually solid waste. I just don't  
22 remember what his name was.

23 Q. Did the City provide assistance to  
24 encampment residents to pack up their  
25 belongings prior to the closure?

1 A. I have no -- I don't recall.

2 Q. Were residents given sufficient time to  
3 pack their personal property the day of  
4 the closure?

5 MS. ENSLIN: Objection. Calls for  
6 speculation.

7 A. Yeah. I mean, sufficient time per what I  
8 felt we had to work with at the time, I  
9 would say yes.

10 I can't tell you how much that time  
11 was, and that's why it's hard to answer  
12 that question. But I -- the encampment  
13 closures that I was sort of in charge of,  
14 I didn't allow people to be kicked out  
15 within like 10 or 15 minutes, or even a  
16 half hour. You know, it was we provided  
17 people hours to get their stuff together.

18 Q. Which encampment closures were you in  
19 charge of?

20 A. Well, that was one. The 14th was another  
21 one. Those were done prior, when we were  
22 still having the people that would account  
23 themselves or call themselves activists  
24 were out there, but they were -- they were  
25 helping the people that were in the camp

1           versus trying to fight with city staff.

2           So they were active there, and that's  
3           part of what helped facilitate both of  
4           those closures going smoothly, and people  
5           getting the help and assistance they  
6           needed.

7       Q.   So were nonencampment residents at 2313  
8           helping people pack that day?

9       A.   Yes.

10      Q.   Were storage opportunities offered to the  
11          residents of 2313?

12      A.   I don't recall.

13      Q.   Do you recall what happened to the  
14          personal property of residents who weren't  
15          able to take all of their belongings with  
16          them once the sweep commenced?

17               MS. ENSLIN:  Objection.  Calls for  
18          speculation.

19      A.   I don't.  I mean, property that was --  
20          that was abandoned, left behind, was  
21          picked up by solid waste.

22      BY MS. STILLMAN:

23      Q.   Did you coordinate with homeless shelters  
24          to ensure that the residents of 2313 would  
25          have a place to go after they were evicted

1 from the encampment?

2 A. So the people that I did work with was  
3 AICDC and MIWRC, who were both very active  
4 in that camp, and those were the ones that  
5 took the lead on that. That's exactly  
6 best practices in how we worked through  
7 that issue.

8 That was largely a native encampment,  
9 and so those shelters were the ones that  
10 were most likely to be appealing to that  
11 population. So they were our partners in  
12 that, and they were both on site that day.

13 Q. "Those shelters," do you mean shelters  
14 operated by AICDC and MIWRC?

15 A. Yeah.

16 Q. Was anybody from Hennepin County at that  
17 sweep?

18 MS. MARTENSON: Objection.  
19 Foundation.

20 A. I don't recall.

21 BY MS. STILLMAN:

22 Q. Any outreach workers employed by a  
23 nongovernment agency?

24 A. Well, AICDC and MIWRC are both NGOs.

25 Q. Any others?

1 A. I don't recall.

2 Q. Are you aware of how much time the  
3 residents of the Near North encampment  
4 were given to pack the day of the sweep in  
5 October of 2022?

6 A. I mean, in some cases, it was an hour.

7 I don't know, you know. I mean, if  
8 they were actively moving their stuff,  
9 they were allowed to continue doing that.  
10 But I don't recall the exact amount of  
11 time.

12 Q. Did you go into the encampment that day?

13 A. I did.

14 Q. What time did you go into the encampment?

15 A. It was early morning out. I don't recall  
16 what time we arrived.

17 Q. Do you recall what time you left?

18 A. It was -- it was late. I mean, it was  
19 into the evening hours, I believe.

20 And we knew that was going to be the  
21 case because of all the large -- you know,  
22 RVs and stuff like that, and all the large  
23 amount of property that was in there, you  
24 know.

25 That encampment was very sparsely



1           occupied, and so the people that were  
2           there, they had been given notice for  
3           months that this was coming, that this  
4           camp was being demobilized.

5           So they were -- so, again,  
6           notification isn't just the day of. You  
7           know, notification occurs over a long  
8           period of time.

9           So, you know, they had a lot of time,  
10          and a lot of people had moved out of  
11          there.

12       Q.   Had you been to that encampment prior to  
13           October 6, 2022?

14       A.   Several times.

15       Q.   In its first location or second location?

16       A.   Both.

17       Q.   Were you the person who decided how many  
18           MPD officers would be there on October  
19           6th?

20       A.   No.

21       Q.   Who decided that?

22       A.   I mean, it was a conversation that took  
23           place between myself, Lieutenant Tommy  
24           Campbell. I think Troy may have been at  
25           that one. I can't recall if he was there

1 or not. And then Deputy Chief Fors.

2 Q. Did you agree that a SWAT team was  
3 necessary?

4 A. Yes.

5 Q. Because of the protesters?

6 A. Because of -- well, no. There were  
7 several reasons.

8 That camp in particular had had a lot  
9 of issues of violence related to it.  
10 There were reports of people with guns.  
11 There were reports of people with knives.

12 One of -- just the week before that  
13 happened, one of our officers showed up  
14 down there and was met with a guy wearing  
15 a combat-style vest with a bunch of combat  
16 knives all over it, and that sort of  
17 thing.

18 There was -- there was pretty much  
19 daily reports of stolen vehicles that were  
20 showing up down there.

21 That also was the camp related to the  
22 assault on city staff and MPD police  
23 officers that had occurred in '21.

24 So, you know, the escalation of all  
25 the things happening around there made me

1           feel like having a SWAT team. And it  
2           wasn't my call, and SWAT didn't report to  
3           me, but that they would be an additional  
4           deterrent for violence that day.

5       Q. Earlier this morning you talked about  
6           preventing trauma of residents when  
7           sweeping an encampment.

8                   Do you remember that?

9       A. I do.

10      Q. Do you think that having a full SWAT team  
11           on an encampment closure could increase  
12           the likelihood of trauma from a closure?

13      A. I think it could increase people's  
14           anxiety. I certainly do believe that.  
15           But I also think that it was a -- it was a  
16           necessary step, and ultimately prevented  
17           bad things that could have happened, not  
18           just to city staff, but also to people in  
19           the encampment themselves.

20                   And, you know, there were a number of  
21           people that were camp protectors that were  
22           there, and all of them, because of the  
23           people that we had, it didn't turn into a  
24           deal like it was in March of the previous  
25           year where people did get hurt and people

1 ended up in the hospital and stuff like  
2 that.

3 So there was nobody that was hurt or  
4 harmed in this one. And I was willing to  
5 trade a few moments of people's anxiety.

6 Trauma is such an overused term, and  
7 I understand trauma probably better than  
8 most people because I've sat in the  
9 company of countless victims of human  
10 trafficking, juveniles, that have gone  
11 through real significant trauma.

12 So it kind of washes cold over me  
13 when people talk about seeing a police  
14 officer and talking about all the trauma  
15 it created, and I just -- that's -- I've  
16 been there and have seen what real trauma  
17 looks like. That wasn't trauma.

18 Q. So what do you -- when you were talking  
19 about preventing trauma of residents when  
20 sweeping, what were you talking about  
21 then?

22 A. I'm talking about like dragging people out  
23 of tents and those sort of things, things  
24 that we don't do. Talking about using  
25 force to remove people, and showing up in

1 the middle of the night, and different  
2 things like that. That's what I'm talking  
3 about.

4 Q. You say "showing up in the middle of the  
5 night." Would you consider that to be  
6 like showing up in the dark?

7 MS. ENSLIN: Objection. Calls for  
8 speculation.

9 THE WITNESS: Sorry. Hold on one  
10 second. I have to end this call. I  
11 pushed the wrong button on my phone.

12 MS. STILLMAN: Sure.

13 A. Sorry. Can you repeat that?

14 BY MS. STILLMAN:

15 Q. Sure. You talked about, you know,  
16 preventing trauma by not showing up in the  
17 middle of the night.

18 A. Right.

19 Q. Do you think showing up when it's totally  
20 dark outside, even if it's not the middle  
21 of the night, would --

22 A. I think it's less pleasant. But, again,  
23 the purpose of being there, the demeanor  
24 of the people that are there, it's  
25 different.

1 I'm talking about not just showing up  
2 in the middle of the night, but if you  
3 show up and somebody is sound asleep, and  
4 you're yelling and screaming in their face  
5 and that sort of thing, and, you know,  
6 making them grab their stuff and get  
7 out -- and we didn't allow that, but I  
8 know that that happened. Again, not with  
9 MPD and not on my watch, but I know of  
10 circumstances and complaints of people  
11 saying that that's what happened.

12 Q. Do you believe that any of the encampment  
13 sweeps on property in Hennepin County, not  
14 just city property -- well, I'm going to  
15 start over.

16 Do you believe that there have been  
17 any encampment sweeps since March 2020 in  
18 Hennepin County that could have been  
19 traumatizing for residents?

20 MS. ENSLIN: Objection. Calls for  
21 speculation, incomplete hypothetical.

22 A. I don't know how to answer that because I  
23 don't -- I'd be happy to answer about ones  
24 that I knew about, but I don't know of any  
25 that are coming to mind like that.

1 BY MS. STILLMAN:

2 Q. You were at the closure of The Quarry  
3 encampment in 2022, correct?

4 A. I was.

5 Q. Who else from the City was there?

6 A. Elfrie was at that one. Troy Carlson, my  
7 lieutenant, was there. John Hoglund was  
8 there, who was the SWAT sergeant. John  
9 Sysaath was there, he was running the --  
10 whatever they call the loudspeaker thing.

11 And then there were a number of other  
12 officers that were assigned to both  
13 shifts. I mean, I know I remember seeing  
14 Ashley Burgerson was there. I think  
15 Rodene was there; maybe, maybe not. He  
16 might not have been there at that one.  
17 But Rich Hand was there, lieutenant in the  
18 fourth precinct.

19 There was a whole variety of  
20 different people that were there.

21 And then of course solid waste was  
22 there.

23 Q. Who decided to sweep The Quarry encampment  
24 in December of 2022?

25 A. That was the date that we were given. I

1 don't recall whether that came from the  
2 mayor's office, or whether that was the  
3 determination. But I was basically in  
4 that steering group.

5 It was clear that there were other  
6 conversations that had been going on, and  
7 somebody had determined we were going to  
8 close that encampment.

9 Q. When you say "the date we were given," who  
10 do you mean by "we"?

11 A. "We," I'm talking about the police  
12 department. I didn't select that date.

13 Q. Did someone in the steering committee  
14 meeting tell you that's the date?

15 A. I mean, generally how it went is they're  
16 like, "We'd like to close the encampment  
17 this week. When could MPD do it? When  
18 would you be able to do it within this  
19 time period?"

20 And we would look at staffing to try  
21 to see when we would -- because at this  
22 point we were holding shifts over to do  
23 that kind of stuff.

24 So then we would respond and say, "We  
25 could do it on this date, or this date."



1           So that was in response to a time frame  
2           that was given.

3           There was only one time when I  
4           remember that we were directed on a  
5           specific date to close an encampment, and  
6           that was the one at 28th and Bloom, I  
7           think, or 29th and Bloom. And that was at  
8           the mayor's directive. That was  
9           communicated to me by Interim Chief  
10          Huffman.

11       Q.   So you weren't given a specific date for  
12           the Quarry?

13       A.   Well, we were given a short time period  
14           within which we had -- could say, "We can  
15           do it on this date or this date."

16       Q.   And did somebody in the encampment  
17           steering committee tell you to check with  
18           MPD's availability in that time frame, or  
19           who told you?

20       A.   They -- well, they didn't have to tell me  
21           that. I mean, that was my job was to  
22           marshal and organize MPD's response,  
23           right, in furtherance of the whole city  
24           initiative.

25           So it was probably Saray that sort of

1       said, "This is the time period where we  
2       would like to have this closed. We want  
3       this closed. When could MPD do it?"

4               And, again, I'm -- it's kind of  
5       speculative because I'm saying this from  
6       recollection, and I don't recall what that  
7       specific conversation was. I remember  
8       talking about it, and I remember a time  
9       period, and asking when we could do it.  
10      But it wasn't like me raise my hand, "Hey,  
11      I can close The Quarry on the 13th of  
12      December," or whatever. It wasn't how it  
13      worked.

14    Q.   Was the process for closing The Quarry  
15          encampment different than the process for  
16          closing the Near North encampment?

17    A.   The Near North closure took a lot longer  
18          in terms of the planning of it.

19               I don't know how -- The Quarry  
20      closure was -- it wasn't months and months  
21      and months and months of discussion. It  
22      was more short term than that.

23    Q.   Why was Near North months of discussion  
24          and The Quarry more short term?

25    A.   Because whoever made the decision that we

1           were going to close the -- well, Near  
2           North wasn't closed until there was a  
3           determination that needed to be closed,  
4           and it needed to be closed basically on  
5           these dates.

6                     And that was the hill that that's  
7           where the violence occurred. That's the  
8           hill that we believe the activists were  
9           willing to die on. For whatever reason,  
10          that was a really popular encampment for  
11          them. I still don't really understand  
12          why. But The Quarry didn't really have  
13          that, you know.

14                    So there was a lot of back-and-forth  
15          about Near North. I mean, I went up there  
16          in December -- I'm sorry -- in January of  
17          2021, the Near North encampment was there,  
18          and it was basically all the way through  
19          until, you know, we finally closed it in  
20          2022.

21       Q.   Had you been to The Quarry encampment  
22             prior to the day of the sweep?

23       A.   Only -- I never been in the encampment as  
24             a commander. That wasn't my role.

25                    I know people that we were -- that

1           the intention at that point was to use  
2           outreach. I know Troy went out there  
3           because I requested -- Lieutenant Carlson  
4           went out there because I requested that he  
5           do that. But we were -- we were still  
6           leaning on our navigators and our outreach  
7           to have those communications, and so on.

8       Q. Why did you request that Troy Carlson go  
9           out there?

10      A. Because I'm still a firm believer that we  
11           belong in a place where we're making  
12           relationships with folks, and talking to  
13           them, and I just think that he's a great  
14           guy. He's compassionate, wants to do the  
15           right thing, wants to help people, and,  
16           you know.

17                   So --

18      Q. How long were the residents given to pack  
19           the day of the closure, of The Quarry  
20           closure?

21      A. I don't know. I don't think it was a real  
22           long period of time.

23      Q. Less than an hour?

24      A. I think so.

25      Q. Why were --

1 A. In some cases.

2 Q. What do you mean, "In some cases"?

3 A. Well, there were people that -- so I gave  
4 very clear direction about how I wanted  
5 people to handle it, and that I wanted  
6 them to say, "Make sure you grab your  
7 medication," "Make sure you grab this."  
8 "There is a staging area over here where  
9 you can bring your stuff over to. Don't  
10 leave behind any of your papers."

11 And there were people in the  
12 encampment that as soon as we walked up,  
13 they just grabbed their stuff, said a  
14 couple of FU's, and then walked away.

15 And, you know, I remember -- and it's  
16 probably on my body cam -- I remember  
17 yelling them -- yelling after them, "Hey,  
18 don't forget your medication. Don't  
19 forget this, don't forget that." Because  
20 we hounded on, "Say this, say this, say  
21 this," so they would be making sure to  
22 give information.

23 That camp was not densely populated.  
24 There wasn't that many people in that  
25 encampment. So we were able to allow

1 other people that didn't just leave on  
2 their own time to pick up their stuff and  
3 go.

4 Q. Did the City make sure there was alternate  
5 shelter available for the residents of The  
6 Quarry prior to closing it?

7 A. I do believe they did. That was not my  
8 part of it. My part of it was MPD. But I  
9 do know that they offered -- they offered  
10 -- both The Quarry and Near North, they  
11 offered shelter. They talked to people  
12 about housing options.

13 Most, if not -- I think that they  
14 placed -- I want to say of the three or  
15 four or five people, whoever was at The  
16 Quarry, I want to say that Avivo Village  
17 took three of them that day. And they  
18 were provided transportation there. They  
19 also provided -- offered storage in the  
20 days before, which people turned down.

21 So every effort was made to do that  
22 in a way that sort of gave as much support  
23 as possible at the time.

24 Then the other two people got a ride  
25 to Bloomington or Richfield or something

1 to stay with a relative or whatever.

2 There is one kid that walked off and  
3 nobody knows where he went. "Kid," I  
4 don't mean a juvenile. I mean, he was an  
5 adult. But everybody is a kid to me,  
6 including everyone in this room, so...

7 MS. STILLMAN: I'm marking a document  
8 that's Bates-stamped MINNEAPOLIS\_BERRY  
9 047326 as Exhibit 396.

10 (Deposition Exhibit No. 396 was  
11 introduced.)

12 BY MS. STILLMAN:

13 Q. And if you could just let me know once  
14 you've had time, once you've reviewed the  
15 email.

16 A. (Reviewing document.)

17 Oh, yeah, yeah. So there was a  
18 connection between 13th and the Wall. I  
19 just forgot the direction of it. I forgot  
20 about this.

21 Q. So in that top email, you write:

22 "I need to go on the record that  
23 I refused to send MPD squads to  
24 assist. State patrols action is  
25 in direct violation of the

1 executive order and I have told  
2 them that."

3 Why do you believe that state  
4 patrol's action here was in direct  
5 violation of the executive order?

6 A. Because they had an encampment. They  
7 want to -- this is exactly the way that  
8 the State was doing things, and it was  
9 very frustrating for everything from the  
10 governor basically dumping this steamy  
11 pile onto all of us in the communities and  
12 the cities. And then when it affected  
13 their property, they were violating the  
14 very order that he had given.

15 Because remember I said that I  
16 thought they came from the Wall and some  
17 of them went there. That was the opposite  
18 direction. They went from 13th over  
19 there.

20 And I even know who cut the fence, by  
21 the way. But that's a whole other issue.

22 And they went into the -- they went  
23 into the Wall -- or went into a fenced-in  
24 area, and the State found out about it and  
25 immediately was going to send people to



1 kick them out of there.

2 And I'm like, "You can't. This is an  
3 encampment now. People setting up tents,  
4 that's an encampment. You can't just kick  
5 them out. This is -- the governor's order  
6 applies to you, too."

7 And I told them that, and I told them  
8 I wouldn't send MPD response.

9 Q. So was MPD there when the Wall was  
10 ultimately closed in 2020?

11 A. I don't think so. State did whatever they  
12 did.

13 I guess I don't recall exactly. I  
14 don't think I was there. As a matter of  
15 fact, I know I wasn't there because I  
16 watched them when they put the little  
17 things down, but I had nothing to do with  
18 any of it.

19 So...

20 MS. STILLMAN: Can we take a  
21 five-minute break.

22 (Break taken.)

23 BY MS. STILLMAN:

24 Q. I just have a few more quick questions for  
25 you.

1           So if you remember, earlier -- and  
2           you can go back to it -- we were talking  
3           about Exhibit 83, which was an email from  
4           Don Snyder (sic) talking about how one of  
5           the Hennepin County Health Care for the  
6           Homeless outreach workers was at Matthews  
7           Park with a resident whose property had  
8           been destroyed.

9       A.   You mean Don Ryan?

10      Q.   Don Ryan. I apologize, whatever I said.

11      A.   That's all right. No big deal.

12                 What exhibit did you say?

13      Q.   83. I'm not going to be asking specific  
14            questions about that document, but just if  
15            you wanted to review it.

16                 So when you received that email, did  
17            you talk to anybody at the City about the  
18            fact that you had heard that somebody's  
19            property had been thrown out without their  
20            knowledge at an encampment sweep?

21      A.   At Matthews Park?

22      Q.   Yes.

23                 MS. MARTENSON: I want to object to  
24            the extent that it mischaracterizes the  
25            document. Your question mischaracterizes

1 the document.

2 A. I don't know why I would talk to anyone at  
3 the City. It wasn't the City's operation.

4 BY MS. STILLMAN:

5 Q. Have you ever talked to Chief Arradondo  
6 about concerns regarding people's property  
7 potentially getting thrown out at  
8 encampment sweeps?

9 MS. ENSLIN: Objection. Vague.

10 A. Maybe. I don't recall exactly.

11 I mean, again, our conversations  
12 around the actual closure of encampments  
13 were less specific than -- about those  
14 things, and more about partnership and  
15 about, you know, that sort of thing, and  
16 what did I need and stuff to be able to  
17 accomplish our mission.

18 So I don't know if that was ever  
19 something we discussed.

20 BY MS. STILLMAN:

21 Q. Did you ever discuss concerns that in  
22 2020, encampment residents weren't being  
23 given sufficient notice of an encampment  
24 closure with Chief Arradondo?

25 A. Maybe. I mean, I think at 2020, again

1 now, it would depend on the encampment and  
2 who was closing it.

3 There may have been times when  
4 encampments were closed by other agencies  
5 that I was concerned about the  
6 notification, but I don't think there was  
7 a concern that we were doing it, because I  
8 was in charge of it after April 1st of  
9 2018.

10 So I don't know -- I don't think we  
11 would have, unless there was some other --  
12 somebody else in the City that did it, but  
13 I don't know. I don't know how to answer  
14 that.

15 Q. Did you ever talk to Chief Arradondo about  
16 encampment sweeps that happened on  
17 property owned by an entity other than the  
18 City?

19 A. Maybe. I don't know. I mean, again, I  
20 don't -- if you had an example, I could  
21 tell you if I recall that. But I don't  
22 recall those conversations.

23 Q. Sure.

24 Did you ever talk to Chief Arradondo  
25 about the sweep of the Powderhorn Park

1 East encampment?

2 A. I probably had a conversation with him  
3 about it. I don't recall the nature of  
4 that conversation.

5 Q. What about the Powderhorn Park West  
6 encampment?

7 A. I mean, that was the one where there  
8 basically were maybe a hundred people that  
9 were surrounding prior to the closure.  
10 And so I think there was some discussion  
11 about officer safety and about, you know,  
12 coming in that space and that sort of  
13 thing, but I don't -- I don't know.

14 Again, it would make sense that I  
15 would have had discussion, but I don't  
16 know the nature of that discussion.

17 Q. What about for the Kenwood Park  
18 encampment?

19 A. I don't recall.

20 Q. Peavey Park encampment?

21 A. I don't recall.

22 Q. Encampment on the Greenway?

23 A. I don't know.

24 Q. Did you ever talk to Amelia Huffman, when  
25 she was interim chief of police, about any

1 encampment closures?

2 A. Yes, probably, but, again, I think most of  
3 that went through Deputy Chief Fors after  
4 she was interim chief, for the majority of  
5 the time she was the interim chief.

6 I wasn't doing encampments. I was  
7 the fourth precinct patrol lieutenant.

8 Q. And did you talk to Chief O'Hara about The  
9 Quarry encampment sweep?

10 A. Yes.

11 Q. What did you discuss with him about that?

12 A. We just tried to brief him on sort of  
13 what the nature of what we were dealing  
14 with here was; why we were involved, you  
15 know, that there was a sense of why is MPD  
16 involved in this, and what is our plan.

17 I mean, he was being told by the  
18 commissioner's office that we were going  
19 to close this encampment. Because I can't  
20 remember again -- well, actually that was  
21 probably -- that was probably the -- that  
22 was probably the Near North one. Yeah.  
23 No, that was before him.

24 No, there was a meeting, and maybe it  
25 was around The Quarry. I can't remember

1 exactly. But there was a meeting in the  
2 mayor's office about it, about when that  
3 encampment would be closed.

4 Q. In the mayor's office about when the Near  
5 North encampment would be closed?

6 A. That one for sure. But that was before,  
7 because Near North was closed in  
8 September, right?

9 Q. October 6th.

10 A. October 6th. That was before Chief  
11 O'Hara, I think.

12 Q. I believe so, but I apologize if I'm wrong  
13 about that.

14 A. Yeah. Why am I asking you, right?

15 Q. Not my boss.

16 A. No, I get it.

17 I really think that that was Chief  
18 Huffman. So I think that the mayor's  
19 office conversation was around The Quarry.

20 Q. Was the mayor at that conversation?

21 A. I don't recall.

22 Q. So when you say "mayor's office  
23 conversation," what do you mean?

24 A. So there was a meeting -- and you're going  
25 to have to forgive me because I don't

1 recall which one this was for. It was  
2 sometime in that period of fall of 2022.

3 But there was a meeting in the  
4 mayor's office that was called. The  
5 commissioner was there, Gators was there,  
6 Fors was there, I was there.

7 And that was the Near North one, and  
8 it was about -- because I had -- I had  
9 basically said we couldn't close it on  
10 this date, or something like that, which I  
11 was directed to do, essentially, right, by  
12 Fors.

13 And then they wanted the camp closed,  
14 and somehow it turned into a big issue.  
15 And I got called in to the mayor's office  
16 to explain when we could do it. And the  
17 mayor and the commissioner tried to  
18 mitigate that.

19 I had asked for state resources,  
20 which we never got, and some other things  
21 like that. So -- but as far as -- so that  
22 was -- I was just trying to clarify. I  
23 know that wasn't your question. Your  
24 question was about O'Hara.

25 We did meet with O'Hara in his



1 office, or in the temporary office that  
2 they had at City Hall, about The Quarry  
3 closure. And he had questions about it  
4 and, you know, seemed surprised by the  
5 scope, you know, wanted to minimize the  
6 footprint.

7 At one point he wanted us to do in it  
8 plainclothes, which I told him no, we  
9 couldn't do it, and we couldn't do it  
10 because there is always kind of bad things  
11 that could happen; you know what I mean?  
12 So --

13 Q. You've referred to the commissioner a  
14 couple times. Who was the commissioner?

15 A. Cedric Alexander.

16 Q. So have you talked to Mayor Frey directly  
17 about any encampment closures?

18 A. Yes.

19 Q. Which ones?

20 A. Well, the Near North one. I think maybe  
21 some other ones. But I don't think I  
22 talked to him about The Quarry.

23 The mayor would call me with some  
24 regularity before -- you know, before I  
25 went to the fourth precinct, and call me

1 and ask questions or whatever. But the  
2 one that most sticks in my mind is when we  
3 got attacked at the Near North one in  
4 March of 2021, he called me. And then  
5 that meeting in his office.

6 Those are the two most vivid memories  
7 I have about those discussions.

8 Q. Do you remember any other encampments  
9 specifically that you talked to him about?

10 A. I don't.

11 Oh, yeah. I mean, the Wall of  
12 Forgotten Natives, yes. But beyond that,  
13 I don't know how many specific  
14 conversations we had.

15 Q. And when you say "the Wall of Forgotten  
16 Natives," I assume you mean the 2018 Wall  
17 encampment.

18 A. Yes.

19 Q. Just wanted to clarify that.

20 A. Yep.

21 MS. STILLMAN: All right. I don't  
22 think I have any other questions for you  
23 at this point.

24 MS. ENSLIN: Okay. We'll read and  
25 sign.

1 (The right to read and sign the  
2 deposition was preserved.)

3 (The deposition concluded at 4:12  
4 p.m.)  
5  
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1 STATE OF MINNESOTA )

: CERTIFICATE

2 COUNTY OF HENNEPIN )

3 I hereby certify that I reported the  
4 deposition of COMMANDER GRANT SNYDER on  
5 APRIL 26, 2023 in Minneapolis, Minnesota, and  
6 that the witness was by me first duly sworn to  
7 tell the whole truth;

8 That the testimony was transcribed under  
9 my direction and is a true record of witness  
10 testimony;

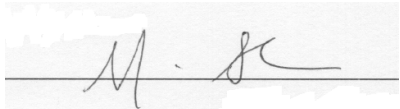
11 That the cost of the original has been  
12 charged to the party who noticed the  
13 deposition, and that all parties who ordered  
14 copies have been charged at the same rate for  
15 such copies;

16 That I am not a relative or employee or  
17 attorney or counsel of any of the parties or a  
18 relative or employee of such attorney or  
19 counsel;

20 That I am not financially interested in  
21 the action and have no contract with the  
22 parties, attorneys, or persons with an  
23 interest in the action that affects or has a  
24 substantial tendency to affect my  
25 impartiality;

That the right to read and sign the  
deposition was reserved.

WITNESS MY HAND AND SEAL this  
2ND DAY OF MAY, 2023.



Mari A. Skalicky  
Registered Merit Reporter  
Certified Realtime Reporter

# **EXHIBIT 130**



# Operational Guidance

## Encampment Response on City-owned Properties

December 16, 2022

December 2022

MPLS\_BERRY131495

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## Table of Contents

Purpose .....	5
Guiding Principles .....	5
City of Minneapolis Homeless Response Team .....	5
Data .....	6
Criteria for Encampment Closure on City-Owned Property .....	6
Multi-Departmental City Review Team .....	6
Posting of Notice and Exceptions .....	6
Between Posting of Notice and Closure .....	7
Encampment Closure on City Property in Minneapolis .....	7
Post Encampment Closure .....	8
Appendices.....	9
Appendix A: Definitions .....	9
Appendix B: Minneapolis Code of Ordinances .....	10
225.10 Dumping in streets, public places prohibited .....	10
244.60 Temporary housing prohibited .....	11
385.65 Interference with pedestrian or vehicular traffic .....	11
427.30 Obstruction, encroachments and littering generally.....	12
427.40 Depositing injurious matter on highways or adjacent.....	12
466.240 Assemblies obstructing pedestrian or vehicular traffic .....	12



*Version History*

<b>Date</b>	<b>Document Version</b>	<b>Version Details</b>	<b>Owner/Editor</b>
12/16/2022	1.0	Original	Christina Dowling

## Purpose

Through a collaborative cross-departmental and multi-agency effort, the City of Minneapolis addresses encampments by sharing information that connects unsheltered individuals to resources, services, and shelter.

This document describes the principles and procedures for City staff's work to address encampments on City-owned properties in a manner that preserves and promotes the health and safety of unsheltered individuals and the surrounding community.

This is a working document that will be refined over time.

## Guiding Principles

The City's approach to responding to persons experiencing unsheltered homelessness is founded on the following principles:

- Everyone experiencing unsheltered homelessness is vulnerable and deserves dignified and respectful treatment protective of their rights
- Every effort must be made to connect people to housing, shelter and services
- Encampments represent a serious public health and safety risk – particularly for those staying within the encampment – and do not represent a dignified form of shelter

## City of Minneapolis Homeless Response Team

The City's Homeless Response Team (HRT) aims to proactively respond to the needs of unsheltered individuals in Minneapolis, concentrating specifically on individuals in the encampments. The HRT is part of the City's Regulatory Services department.

The HRT is not a direct service provider. The HRT can refer individuals to Hennepin County or a contracted service provider who can provide these services.

With every interaction, the HRT focuses on consistently engaging with unsheltered individuals to build relationships and trust. The team recognizes there is no *one size fits all* approach and meets people where they are by offering a variety of resources and services, that include shelter and storage options.

HRT is the first point of contact when the City receives complaints regarding an encampment. Upon receipt of a complaint, HRT performs research on property ownership before doing their first site visit. This information helps guide productive communication with the property owner on next steps and ownership responsibility. HRT visits the site and focuses on connecting unsheltered individuals to resources and services, including but not limited to:

- Hennepin County for housing assessments and/or case management
- Service providers or assigned case workers
- Storage services in partnership with Downtown Improvement District
- Shelter services
- Medical attention through Healthcare for the Homeless
- Transportation services to these and other resources

HRT works closely with the Hennepin County Streets to Housing Team and contracted community partners to ensure that all unsheltered individuals are engaged and offered services that align with their goals.

### Data

The City will track encampment locations, number of individuals present using point-in-time counts during site visits, and conditions while ensuring the HRT is connecting people to services.

### Criteria for Encampment Closure on City-Owned Property

Encampments are prohibited by City ordinance and all encampments in Minneapolis will be closed. Because encampments pose health and safety risks, the City makes an objective assessment of encampment conditions based on the following risk factors:

- Community livability impact—including, but not limited to, the geographic size, number of unsheltered individuals, proximity to schools, parks, businesses, and residents, and 911/311 calls for service volume.
- Health impact—including, but not limited to, presence of pregnant individuals, minors, hygiene, and environmental conditions, and other conditions at encampment sites that increase the health risks of individuals at the encampment or in the community.
- Life-Safety impact—including, but not limited to, unstable structures, weather conditions, drug use, violence, propane tanks, and illegal activity.
- External impact—including, but not limited to, accounts from neighbors and business owners, and imminent development, demolition, or renovation.

After reviewing these findings, City staff determines next steps, up to and including encampment closure. If an encampment poses an imminent risk, the City may prioritize the closure of a site.

### Multi-Departmental City Review Team

Because encampments impact multiple departments at the City, at the direction of the Mayor, a cross-department team was formed. This team reviews data, health, safety, and community impacts and makes recommendations for the closure of encampments. The cross-departmental City team includes staff representing both the Office of Public Service and the Office of Community Safety, represented by Regulatory Services, Community Planning and Economic Development, Public Works, Minneapolis Fire Department, Minneapolis Police Department, Minneapolis Department of Health, as well as other departments on an as-needed basis. The cross-departmental team meets weekly for a coordinated response to unsheltered homelessness.

### Posting of Notice and Exceptions

An Initial Notice of Trespass, Notice to Vacate, and a Notice of the closure date shall be posted by City at the site at least 72 hours prior to a closure. However, less than 72 hours of notice may be provided, if any of the following conditions exist:

- The encampment poses imminent community safety risks;
- There have been threats to City employees relating to the encampment in particular or the closure of encampments in general;

- The encampment has experienced an increase in violence or other illegal activities;
- The encampment is inhibiting or interfering with the normal operation of a business, school, daycare, or sober living facility;
- If law enforcement agencies are currently engaged in investigations in response to credible information and the 72-hour notice would put the investigation at risk; or
- Any other condition that poses an imminent danger to human life or safety.

If the encampment closure date is changed or delayed beyond the posted time in the initial notice and must be rescheduled, the City will strive to update the notice at least 48 hours in advance of the new closure date. If an updated notice cannot be posted at least 48 hours in advance, the notice shall be posted as soon as is reasonably possible. The City will make reasonable effort to share this information verbally with anyone at the site and with its contracted community partners to ensure those who are unable to read or have difficulty comprehending the information are made aware of the impending action.

### Between Posting of Notice and Closure

HRT will continue visiting sites and engaging with unsheltered individuals to offer services, resources, transportation to shelters, and storage for personal property in advance of a site closure. It is the City's goal to offer storage options at least once during the 72-hour notice window.

Prior to a closure, it is the goal of the City to inform its contracted community partners of the closure to enable them to perform targeted outreach and for them to stay connected to the unsheltered individuals they are assisting.

The City will work with Hennepin County, shelter staff, and contracted community partners to identify shelter resources leading up to the day of a closing and ensure that these resources are shared with unsheltered individuals.

### Encampment Closure on City Property in Minneapolis

For every encampment closure the cross-departmental team listed above reviews the size and scope, then determines resource needs and allocations based on the health, safety, and community livability impact. Each department plays a role:

- Minneapolis Health Department: needle pick-up.
- Minneapolis Police: When necessary, secure the perimeter of the encampment and supports other City staff during the closure to ensure unsheltered individuals, the community, and City staff are safe.
- Minneapolis Traffic Control: Direct traffic away from the site and ensures expeditious traffic flow and allow access for clean-up equipment.
- Minneapolis Community Planning and Economic Development and/or Minneapolis Public Works (Representative of City as property owner): Informs individuals on site that they are trespassing and need to leave the property immediately.
- Minneapolis Public Works—Solid Waste & Recycling: Cleans the site.

To the extent possible, on the day of the closure, the City will have either the HRT or contracted community partners available on site and/or virtually to support unsheltered individuals. The City's goal

is to schedule the timing of closure when the Adult Shelter Connect and other contract partners resources are open and available.

### Post Encampment Closure

After an encampment has been closed, City staff will notify all applicable City departments, applicable Hennepin County departments, and contracted community partners. The HRT will visit the site after closure to ensure the property is not reoccupied. If applicable, the property will be fenced to ensure no reoccupation.

Immediately following the closure of a site, the City's cross-departmental team will hold a post-incident debrief to discuss lessons learned and implement any improvements to the process.



## Appendices

### Appendix A: Definitions

**City:** When referring to the City of Minneapolis Enterprise – the government entity.

**Contracted community partners:** Entities who provide direct services and resources to unsheltered individuals. City contracts are in collaboration with Hennepin County.

**Encampment:** A grouping of tents, tent-like structure(s), or temporary structures that are located within Minneapolis, which appear to be occupied by individual(s) for the purposes of residing therein.

**Encampment Closure Team:** Multidepartment organized effort comprised of City of Minneapolis staff that work together to review data, health, safety, and neighborhood impacts to help make recommendations to close, clean and clear a site.

**Homeless Response Team (HRT):** A team of City of Minneapolis staff that humanely addresses encampments and actively engages with unsheltered individuals by building trust and a relationship and providing access to services and resources.

**Minneapolis:** When referring to the geography of the city.

**Notice of Trespass:** Notice that is posted by the property owner at encampment sites to inform the unsheltered individuals that they are trespassing.

**Notice to Vacate:** Notice that is posted by the property owner at encampment sites to inform the unsheltered individuals that they must vacate the premises.

**Property owner:** Owner or taxpayer of the subject property that will trespass individuals from their property. This may include but not limited to, private owner(s), City of Minneapolis, Hennepin County, Metro Transit, Minneapolis Park and Recreation Board, Minnesota Department of Transportation, and could be multijurisdictional.

**Temporary shelter:** Any tent, trailer or other structure used for human shelter which is designed to be transportable, and which is not permanently attached to the ground or to another structure.

**Trespass:** Individuals occupying private property without the owner's permission. Property includes sites owned by private owner(s), City of Minneapolis, Hennepin County, Metro Transit, Minneapolis Parks and Recreation Board, Minnesota Department of Transportation and could be multijurisdictional.

## Appendix B: Minneapolis Code of Ordinances

### 225.10 Dumping in streets, public places prohibited

(a) No person shall leave, place, throw or deposit, or cause or permit any other person to leave, place, throw or deposit, in or upon any street or public place, or in or upon any vacant or private lot or premises, any of the following: solid waste; building debris; toxic or hazardous waste; human excreta, sewage, or other water-carried waste; or other like or similar substances or materials.

(b) No person shall leave, place, throw, or deposit, or cause or permit any other person to leave, place, throw, or deposit, any substances or materials of any kind at a city solid waste collection point (SWCP), as defined by [section 225.670](#) of this Code, for city disposal when the substances or materials were generated at a location other than the residence at whose SWCP the substances or materials were left, placed, thrown, or deposited for city disposal. Further, no person shall leave, place, throw, or deposit, or cause or permit any other person to leave, place, throw, or deposit, any substances or materials of any kind in a mobile refuse container (MRC), as defined in [section 225.680](#) of this Code, for city disposal when the substances or materials were generated at a location other than the residence at which the substances or materials were left, placed, thrown or deposited for city disposal, whether or not the MRC is located at the SWCP at the time the substances or materials were left, placed, thrown or deposited in the MRC for city disposal. All waste disposed of in these MRCS shall meet all current federal, state, and local disposal laws and regulations.

(c) No person shall leave, place, throw, or deposit, or cause or permit any other person to leave, place, throw, or deposit, materials of any kind in a solid waste, recycling, or construction dumpster or similar type container without permission of the owner, lessee, or their authorized designee.

(d) No person shall leave, place, throw, or deposit, or cause or permit any other person to leave, place, throw, or deposit, any yard waste, as defined in [section 225.05](#), on any property not owned, controlled, or operated by that person, or without the permission of the owner, lessee, or their authorized designee.

(e) No person shall leave, place, throw, or deposit, or cause or permit any other person to leave, place, throw, or deposit, any used furniture, used clothing, used appliances, or other household items on the property of a charitable, fraternal, religious, cooperative, communal, or similar organization during times that the principal facility or building located on such property is closed.

Any used furniture, used clothing, used appliances or other household items that are left, placed, thrown or deposited at such organization shall be placed in an area designated by the organization. This area must comply with all state and local laws. Any such area must be capable of being secured by such an organization while the facility or building is closed so as to reasonably prevent unauthorized placement or deposit of such items or disturbance of items which have already been placed in the area.

(f) If a motor vehicle is used to aid, assist, or accomplish a violation of any part of this section, the owner of the vehicle, or the lessee of a leased vehicle, shall be in violation of this section and be subject to a fine not to exceed two hundred dollars (\$200.00).

(1) The owner or lessee is not subject to the fine under subsection (f) under the following circumstances:

- a. Another person has been convicted for that violation;
- b. The owner or lessee can demonstrate the vehicle was stolen at the time of the violation; or
- c. The lessor kept a record of the name and address of the lessee. (Code 1960, As Amend., § 770.010; 96-Or-046, § 2, 5-24-96)

**Cross reference**—Prohibition against deposit of garbage and rubbish in streets, §§ [427.30](#), [427.40](#); littering parks and parkways, § PB2-5.

**State Law reference**—Unlawful deposits of garbage and litter, M.S. § 609.68

#### 244.60 Temporary housing prohibited

- (a) Unless otherwise provided in this section, no camp car, house trailer, automobile, tent or other temporary structure may be parked or placed upon any public street or on any public or private premises or street in the city and used as a shelter or enclosure of persons and their effects for the purpose of living therein.
- (b) The director of regulatory services may issue a permit to allow for temporary housing when a specified emergency creates the need to allow for such housing. A permit may be issued only when the emergency creating the need is an act of nature, a technological failure or malfunction, a terrorist incident, a public health emergency, an industrial accident, a hazardous material accident, or destruction caused by a civil disturbance.
- (c) When the director of regulatory services issues a permit to allow for temporary housing, the director shall provide that the permit will expire after a specific period, not to exceed six (6) months. The director shall attempt to set the expiration date to coincide with the elimination of the need for temporary housing. The director may grant one (1) six-month extension of this permit.
- (d) The director of regulatory services may set conditions on the use of the permit to mitigate the negative impacts of the permit. These conditions may include compliance with applicable statutes, ordinances and/or rules, including but not limited to the Minneapolis Fire Code, Minneapolis Health Code, Minneapolis Building Code, Minneapolis Housing Maintenance Code, and the Minneapolis Zoning Code. In addition, the director may impose any additional appropriate conditions to the use of the temporary housing permit.
- (e) The director of regulatory services may revoke the permit if the need for such temporary housing ends, or if the permit holder fails to comply with the conditions set by the director as to the use of the temporary housing permit. (Code 1960, As Amend., § 66.060; 2005-Or-145, § 1, 12-23-05; 2013-Or-161, § 2, 12-6-13)

#### 385.65 Interference with pedestrian or vehicular traffic

No person, in any public or private place, shall use offensive, obscene or abusive language, or grab, follow or engage in conduct which reasonably tends to arouse alarm or anger in others, or walk, stand, sit, lie, or place an object in such a manner as to block passage by another person or a vehicle, or to require another person or a driver of a vehicle to take evasive action to avoid physical contact. Acts authorized as an exercise of one's constitutional rights of freedom of speech and assembly, and acts authorized by a permit issued pursuant to the Parade Ordinance, [Chapter 447](#), or the Block Event



Ordinance, [Chapter 455](#), of the Minneapolis Code of Ordinances, shall not constitute interference with pedestrian or vehicular traffic. (88-Or-019, § 1, 2-12-88)

#### 427.30 Obstruction, encroachments and littering generally

No person shall erect, build, set up, keep or maintain any house, store, shop or other building or structure, or leave, deposit or place any boxes, merchandise, timber, planks, boards, shingles, casks, barrels, hogsheads, lumber, bricks, stones, trucks, carts, wagons, sleds, carriages upon or in any street, alley or sidewalk. No person shall place, leave, throw, drop or scatter any stones, bricks, mortar, earth, wood, shavings, offal, garbage, rubbish or any other material or substance upon any street, alley, sidewalk or public ground. Any person drawing or transporting any of the aforesaid articles or substances through or upon any of the streets or alleys shall convey and carry the same in tight wagons, carts or boxes so constructed and covered by canvas or other suitable material that such articles and substances cannot fall out or be scattered upon the streets or alleys. If any such articles or substances shall for any reason fall or be scattered upon any street or alley, the same shall be forthwith removed by the person at such time in charge of the vehicle from which such article or substance fell or was scattered.

#### 427.40 Depositing injurious matter on highways or adjacent

(a) No person shall throw or deposit upon any highway any glass, nails, tacks, wire, cans or any other substance likely to injure any person, animal or vehicle upon such highway or upon any public or privately owned land adjacent thereto without the owner's consent.

(b) Any person who drops or permits to be dropped or thrown upon any highway any destructive or injurious material shall immediately remove the same or cause it to be removed.

(c) Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle.

(d) No person shall drop or hurl any destructive or injurious material or object at or upon any motor vehicle upon any highway or the occupants thereof.

(e) Any person violating the provisions of this section shall be guilty of a misdemeanor. The record of any conviction of or plea of guilty under this section of a person operating a motor vehicle shall be immediately forwarded to the department of public safety for inclusion upon that offender's driving record. Any second offense or offense thereafter under this section shall require a minimum fine in the amount of one hundred dollars (\$100.00). Any judge may, for any violation of this section, order the offender to pick up litter along any public highway or road for four (4) to eight (8) hours under the direction of the department of highways, with the option of a jail sentence being imposed. (Code 1960, As Amend., § 407.220)

**State Law reference**—Similar provisions, M.S. § 169.42.

#### 466.240 Assemblies obstructing pedestrian or vehicular traffic

(a) No person or group of persons shall assemble or cause others to assemble on any sidewalk so as to obstruct the free passage of pedestrians thereon or interfere with the use thereof.

(b) It shall be unlawful for any person individually or as a member of any group of persons to loiter, stand, sit, lie or remain upon or within any street, sidewalk, crosswalk or other public way or otherwise

occupy any portion thereof with the intent or purpose to block, obstruct or interfere with the free passage of any pedestrian thereon or the orderly free flow of vehicular traffic on said street or public way.

(c) This section shall not be interpreted to restrict the lawful exercise of freedom of speech and assembly.

(d) Violation of this section is a petit misdemeanor. (Code 1960, As Amend., § 408.090; 84-Or-069, § 1, 4-27-84)

# **EXHIBIT 131**

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

Berry, et al.,

Plaintiffs,

vs.

Hennepin County, et al.,

Defendants.

Case No. 20-CV-02189-WMW-JFD

District Judge Wilhelmina Wright  
Magistrate Judge John F. Docherty

**PLAINTIFF DENNIS BARROW'S  
RESPONSES TO COUNTY  
DEFENDANTS FIRST SET OF  
INTERROGATORIES**

TO: Hennepin County Defendants, by and through their counsel, Kelly Pierce and Christiana Martenson, Hennepin County Attorney's Office, 300 South 6th Street, Ste A2000, Minneapolis, MN 55487; kelly.pierce@hennepin.us, christiana.martenson@hennepin.us.

Plaintiff Dennis Barrow, for their responses to the Hennepin County Defendants' First Set of Interrogatories, states as follows:

**PRELIMINARY STATEMENT**

Plaintiff Barrow is continuing their investigation and reserves the right to rely on facts, documents, or other evidence that may come to their or their counsel's attention later. Plaintiff's responses to these requests are based upon information known at this time, and Plaintiff expressly reserves their right to revise or supplement their responses or assert additional or revised objections. Nothing herein should be construed as an admission that any information requested or provided is relevant or admissible. In providing these responses, Plaintiff expressly preserves all objections as to competency, relevancy, materiality, and admissibility and all rights to object on any ground to the use of any of the responses at trial or in any other proceeding.

**GENERAL OBJECTIONS**

PLEASE BE ADVISED that these general responses and objections form a part of the response to each Interrogatory below. The absence of a reference to a general response or

or objection should not be construed as a waiver of the general responses or objections to a specific Interrogatory.

1. Plaintiff Barrow objects to the Interrogatories to the extent they seek information protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Unless otherwise indicated, such information will not form a part of Plaintiff's responses to the Interrogatories. Inadvertent disclosure of privileged information will not constitute a waiver of any applicable privilege. Nor will providing such information be construed to waive any objection. Plaintiff Barrow requests that, upon realization or notice of such inadvertent disclosure, Defendants not use the information and/or promptly return or destroy any documents in their possession and confirm in writing when completed.

2. Plaintiff Barrow objects to the Interrogatories to the extent they are oppressive, unreasonably expensive or expansive, vague, ambiguous, overbroad, not identified with reasonable particularity, unduly burdensome, and/or would require unreasonable investigation in a manner not proportionate with the claims of this case.

3. Plaintiff Barrow objects to the Interrogatories to the extent they are compound.

4. Plaintiff Barrow objects to the extent the Interrogatories seek information that is not relevant to any party's claim or defense, immaterial, or not reasonably calculated to lead to the discovery of admissible evidence in this litigation.

5. Plaintiff Barrow objects to the definition of "you" and "your" as overly broad, unduly burdensome, and beyond the scope permitted by the Federal Rules of Civil Procedure. Plaintiff will respond to these Interrogatories only for themselves.



6. Plaintiff Barrow objects to the Interrogatories to the extent they seek information not within the possession, custody, or control of Plaintiff, or which is equally accessible to Defendants.

7. Plaintiff Barrow objects to the Interrogatories to the extent they seek information that is unreasonably cumulative, duplicative, or obtainable from other sources that are more convenient, less burdensome, or less expensive.

8. Plaintiff Barrow objects to the Interrogatories to the extent they require responses beyond those required by the Federal Rules of Civil Procedure, the local rules, or any other court orders. Plaintiff will respond to these requests in accordance with those requirements and obligations.

9. Plaintiff Barrow's responses to the Interrogatories are subject to the Protective Order entered in this case. Any responsive documents shall be produced pursuant to the terms of the Amended Pretrial Scheduling Order and the Protective Order.

Subject to the above general objections and any specific objection asserted herein, Plaintiff Barrow responds to the County's Interrogatories as follows:

### **INTERROGATORIES**

**REQUEST NO. 1:** Identify all locations where you have slept or sheltered overnight, from the date of the Amended Complaint to the present, and for each such location, provide its address or describe the location.

**RESPONSE:** Plaintiff Barrow objects to this Interrogatory to the extent it seeks information to which Defendants have equal access. Subject to and without waiving this and the General Objections above, Plaintiff Barrow responds as follows: Since December 14, 2020, to the best of their recollection, Plaintiff Barrow has slept or sheltered overnight at

3854 West Broadway, Robbinsdale, MN (Dec. 2020-August 2022)

4237 Georgia Ave N, Minneapolis, MN 55428 (August 2022)

6248 Century Blvd., Brooklyn Park, MN 55429 (Sept. 2022-present)

Discovery is ongoing and Plaintiff Barrow reserves the right to supplement or amend these responses as additional information becomes available.

**REQUEST NO. 2:** Identify all persons who may have knowledge regarding the claims and defenses in this lawsuit and state the substance of each person's knowledge.

**RESPONSE:** Plaintiff Barrow objects to this Interrogatory to the extent it calls for information protected by the attorney-client privilege, work product doctrine, or any other applicable privilege or immunity. Plaintiff further objects to this Interrogatory as compound, with two distinct subparts: 1) the name of the individuals who have knowledge; and 2) the substance of that knowledge. Subject to and without waiving these objections, Plaintiff Barrow responds as follows:

Subpart 1: The identification of individuals with knowledge. See all individuals identified in Plaintiffs' Rule 26(a)(1) initial disclosures, the Declaration of Plaintiff Barrow, the deposition testimony of Plaintiff Barrow, the Amended Complaint, Plaintiffs' memorandum in opposition to the motions to dismiss of Defendants Hennepin County and the Minneapolis Park & Recreation Board, and any other court filings to date.

Subpart 2: The substance of that knowledge. See Plaintiffs' Rule 26(a)(1) initial disclosures, the Declaration of Plaintiff Barrow, the deposition testimony of Plaintiff Barrow, the Amended Complaint, Plaintiffs' memorandum in opposition to the motions to dismiss of Defendants Hennepin County and the Minneapolis Park & Recreation Board, and any other court filings to date.

Discovery is ongoing and Plaintiff Barrow reserves the right to supplement or amend these responses as additional information becomes available.

**REQUEST NO. 3:** Describe in detail the injuries and damages that you allege you sustained as a result of Defendants' actions and omissions as described in the Amended Complaint, including the total amount of damages that you claim in this lawsuit.

**RESPONSE:** Plaintiff Barrow objects to this Interrogatory to the extent it calls for information protected by the attorney-client privilege, work product doctrine, or any other applicable privilege or immunity. Plaintiff Barrow further objects to this Interrogatory to the extent it seeks to impose obligations on Plaintiff Barrow in excess of those required by the applicable rules. Plaintiff Barrow further objects to this Interrogatory as premature. Subject to and without waiving these objections, Plaintiff Barrow responds as follows: See the Amended Complaint, the deposition testimony of Plaintiff Barrow, the Declaration of Plaintiff Barrow, Plaintiffs' memorandum in opposition to the motions to dismiss of Defendants Hennepin County and the Minneapolis Park & Recreation Board, and any other court filings to date. Plaintiff Barrow is seeking compensatory and punitive damages in an amount to be determined by a jury at trial.

Plaintiff Barrow is seeking compensatory damages in the amount of \$4,552.72 for property destroyed during encampment sweeps, including a tent, sleeping bag, winter coats, winter boots, assorted shoes, assorted clothing, personal hygiene supplies, medication, and court documents.

In addition to those damages listed in the above documents, Plaintiff Barrow is seeking damages only for garden-variety emotional distress, pain, and suffering.

Discovery is ongoing and Plaintiff Barrow reserves the right to supplement or amend these responses as additional information becomes available.



**REQUEST NO. 4:** If you claim damages related to your physical or mental health, identify all care providers who have examined or treated you from January 1, 2012 to the present, and please describe the nature of the illness, disease, injury, problem, or condition for which you were examined or treated by each care provider, as well as the dates of such examination or treatment.

**RESPONSE:** Plaintiff Barrow objects to this Interrogatory to the extent it calls for information protected by the attorney-client privilege, work product doctrine, doctor-patient confidentiality, or any other applicable privilege or immunity. Plaintiff further objects to the extent this Interrogatory calls for duplicative information to Interrogatory No. 3. Plaintiff further objects to this Interrogatory as overly broad, unduly burdensome, not relevant to any party's claim or defense, not reasonably calculated to lead to the discovery of admissible evidence, and not proportional to the needs of the case to the extent it seeks information from over a period of more than ten (10) years and more than eight (8) years before the inception of this lawsuit. Plaintiff further objects to this Interrogatory as compound, with three distinct subparts: 1) identification of care providers; 2) identification of the treatment or care plan; and 3) the dates of treatment. Subject to and without waiving these objections, Plaintiff Barrow responds as follows:

Subpart 1) Identification of care providers

Subpart 2) Identification of treatment or care plan

Subpart 3) Dates of treatment

Plaintiff Barrow is only seeking compensatory and damages for garden-variety emotional distress, pain, and suffering, so the information sought in this Interrogatory is irrelevant to the case and no answer is required.

Discovery is ongoing and Plaintiff Barrow reserves the right to supplement or amend these responses as additional information becomes available.

**REQUEST NO. 5:** For the period from 2020 to the present, have you used or posted content on any website, digital application, blog, online forum, or social media platform (such as Twitter, Facebook, Instagram, Snapchat, or TikTok)? If so, identify each website, digital application, blog, online forum, or social media platform that you have used or posted content on, and if applicable, identify the username, email address, or phone number associated with your use of that website, digital application, blog, online forum, or social media platform.

**RESPONSE:** Plaintiff Barrow objects to this Interrogatory to the extent it seeks information in the public domain and to which Defendants have equal access. Plaintiff Barrow further objects to this Interrogatory as compound, with three distinct subparts: 1) whether Plaintiff uses social media, 2) which social media platforms, and 3) the handle/username per social media platform. Subject to and without waiving this and the General Objections above, Plaintiff Barrow responds as follows:

Subpart 1) Do they use social media? Yes.

Subpart 2) Identify social media platforms they use. Facebook.

Subpart 3) Identify the handle/username for those social media accounts

Facebook—Dennis Barrow, Jr., Den Den

Discovery is ongoing and Plaintiff Barrow reserves the right to supplement or amend these responses as additional information becomes available.

As to Answers:

DATE:

11-21-22

  
Dennis Barrow

As to Objections:

DATE:

**MID-MINNESOTA LEGAL AID**

s/Justin Perl

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DATE: 11/02/2022

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**AMERICAN CIVIL LIBERTIES UNION  
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